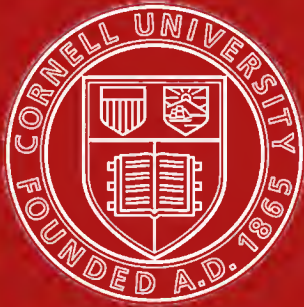




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ORIGINES GENEALOGICÆ;
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ENGLISH GENEALOGIES

MAY BE TRACED

FROM THE CONQUEST TO THE PRESENT TIME :

ACCOMPANIED BY SPECIMENS OF ANTIENT RECORDS, ROLLS, AND MANUSCRIPTS,
WITH PROOFS OF THEIR GENEALOGICAL UTILITY.

PUBLISHED EXPRESSLY FOR THE ASSISTANCE OF CLAIMANTS TO HEREDITARY TITLES,
HONOURS, OR ESTATES.

BY

STACEY GRIMALDI, F.S.A.

“ The proof of pedigrees has become so much more difficult since *Inquisitiones post mortem* have been disused, that it is easier to establish one for 500 years before the time of Charles II. than for 100 years since his reign.”

Lord Chief Justice Mansfield.

“ The failure of *Inquisitiones post mortem*, by the abolition of military tenures, combined with the neglect of the Heralds omitting their usual progresses, has rendered the proof of a modern descent for the recovery of an estate, or succession to a title of honour, more difficult than that of an antient.”

Blackstone's Commentaries.

LONDON :

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PATERNOSTER ROW.

1828.

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LONDON :
PRINTED BY S. AND R. BENTLEY, DORSET-STREET.

TO THE RIGHT HONOURABLE

SIR WILLIAM DRAPER BEST,

CHIEF JUSTICE OF HIS MAJESTY'S COURT OF COMMON PLEAS

AT WESTMINSTER,

ONE OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL,

&c. &c. &c.

THESE PAGES ARE MOST RESPECTFULLY OFFERED

BY THE AUTHOR.

P R E F A C E.

No person can be more sensible than the writer of these pages, that notwithstanding the labour he has bestowed upon them, they form at best but an imperfect work: yet he hopes his attempt may be justified, from the circumstance that no book of a similar description is in existence; and he considers its imperfections entitled to a favourable consideration, as his paths have been over unfrequented, and at times untrodden ground.

Had it not been for the very liberal assistance which he has received from all parties to whom applications have been made, he could never have completed his undertaking; and he trusts that he may be allowed in this place to return his best thanks to John Caley, Esq. F. S. A. and F. R. S. Keeper of His Majesty's Records at the Augmentation-Office and Chapter-House, Westminster, and John Bayley, Esq. F. S. A. of His Majesty's Record-Office, Tower, who have not only at all times allowed him access to the records under their care, but have given up much time to assist him in his better performance of the work; also to Charles George Young, Esq. F. S. A. York Herald, for much information respecting the Records of the College of Arms; to William Jeffs, Esq. of His Majesty's War-Office; to Thomas Lane, Esq. Steward of the Honourable Society of Lincoln's-Inn; to Robert Southey, Esq. Poet-Laureat; to William Illingworth, Esq. F. S. A.; to William Foxton, Esq. of the Lord Treasurer's Remembrancer's Office; to the Rev. Philip Bliss, D. C. L. Librarian of the Bodleian Library, Oxford; to Thomas Williams Helps, Esq. of Trinity College, Cam-

bridge; and to John Sewell, Esq. of the Chamberlain's-Office, Guildhall, London, for their friendly attention to his enquiries.

The Author has no expectation that all will view the course he has taken as the best; he may have noticed subjects which another labourer would have deemed unnecessary, and all his enquiries may have still left him ignorant of information, which to those of better experience may be intimately known; the want of practice in correcting the press, and the daily occupation of his profession, may have caused him to overlook errors both of style and typography which would not have escaped one of more experience; and in some of the Latin abbreviations with which the work abounds, the mark of abbreviation may have been placed over an improper letter.

The Author regrets that he has been unable to obtain any information of some valuable Rolls frequently referred to by Sir William Dugdale in his *Baronage*¹, as being in the custody of the King's Remembrancer of the Exchequer, and entitled "*Rotuli de Dominabus pueris et puellis*." They relate to affairs of the latter part of the reign of Henry II. and are possibly rolls of the King's tenants in capite, showing the wardships, marriages, and reliefs, to which the King was entitled: they were enrolled according to counties, and are used by Dugdale as evidence of the names and ages of children and widows of deceased tenants in capite, and of the particulars of their lands and dower; but by no research at the Exchequer can they at present be discovered.

With respect to the specimens of the various rolls described in these pages, they have, with very few exceptions, been transcribed from the rolls themselves; but occasionally the transcript has been made from some printed or manuscript copy, of which there was no ground to doubt the

¹ Vol. I. p. 40, 41, 92, 113, 190, 208, 252, 259, 369.

general accuracy, though the words in such copy have been found set out at full length, and not with the abbreviations of the original.

It is trusted that the works of modern authors have never been made use of, without an acknowledgment by reference; and to them the Author confesses his many obligations, for the information afforded; by inadvertence the references to some of the old authorities were destroyed, but he will feel much regret should he learn that this has occurred to the labours of his contemporaries. In conclusion, the Author assures his readers that as his sole object in this publication was to save others the labour and time which have been bestowed in searching for the information here compiled, so he hopes he may be allowed to request from them any information on the subject, with which this performance may prove him to be now unacquainted.

STACEY GRIMALDI.

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-

1. THE DOMESDAY BOOK.

ONE of the most valuable records in this kingdom is Domesday Book; being a survey of all the lands in England (excepting Northumberland, the greater part of Cumberland, the Northern part of Westmoreland and Durham,) made by William the Conqueror. It consists of two volumes, written in Latin, on parchment, commenced some short time prior to its completion in 1086, and now in excellent preservation at the Chapter House of Westminster Abbey. The performance was executed by commissioners, who enquired, upon oath, the name of each manor, that of its then owner, and of its owner in the time of Edward the Confessor; the number of hides; the quantity of wood, pasture, and plough land; how many ploughs were in the demesne, how many in the tenanted part of it, how many mills, fishponds and fisheries, with the value of the whole, both then and in the time of Edward the Confessor: also whether it were capable of improvement, or of being advanced in value; the tenants of every degree, the lands they held, then and theretofore, the number of villains and slaves, and of their cattle and live-stock.¹

¹ Preface to the printed copy of Domesday Book, 1763 and 1816.

The authority of this book is never permitted to be called in question—there is no appeal from it, hence some suppose its name : others from its place of preservation, the Chapter House of the Church (domus Dei) at Westminster. In questions relative to tenure, the Conqueror himself often submitted to it ;¹ and, for a long time after, none was permitted to make claim or title to lands beyond the Conquest.²

The original returns of the commissioners, from which these books were compiled, have not been discovered ; but there exist, in the British Museum, transcripts of part of these original returns, *with lists of the jurors*, before whom some of the inquisitions were taken.³

Connected with Domesday Book, are four records called—1. The Exon Domesday—2. The Inquisitio Eliensis—3. The Winton Domesday—4. The Boldon Book.

THE EXON DOMESDAY, preserved in Exeter Cathedral, is a description of Wilts, Dorset, Somerset, Devon, and Cornwall, and is presumed to be an exact transcript, so far as it extends, of the original returns made by the Conqueror's commissioners at the time of forming the survey for the Great Domesday : this copy has the advantage of having many more names of the tenants in King Edward's time than the Exchequer Domesday.⁴

THE INQUISITIO ELIENSIS is a document of the same kind as the Exeter Domesday, relating to lands and property in Cambridgeshire, Hertfordshire, Essex, Norfolk, Suffolk, and Huntingdonshire, belonging to the monastery of Ely, recorded afterwards in the two volumes of the Domesday Survey : It has the names of the jurors in the different hundreds in Cambridge and Hertfordshire. A copy is in the British Museum ; another at Trinity College, Cambridge.⁴

THE WINTON DOMESDAY is a survey of the lands belonging to Edward the Confessor, in Winchester, made on the oath of eighty-six burgesses in the time of Henry I. The most remarkable circumstance in this book, is the quantity of *Sirnames* among the tenants of King Edward the Confessor, as Alwinus Idessone, Edwinus Godeswale, Brumanus de la Forda, Leuret de Essewem, which occur in the first page. The book is in the possession of the Society of Antiquaries.⁴

¹ Gale's Script. Angl. v. i. p. 796.

² Cottonian MSS. Tiberius A. vi. fo. 38.

³ Chauncy's Herts. p. 9.

⁴ Preface to the printed Domesday.

THE BOLDON BOOK is a survey of the County palatine of Durham, made in the year 1183; so called (as presumed by some) from Boldon in Durham, where it was compiled: The original is lost, but there are three very ancient copies, one in the Bishop's Office, Durham; one in the Dean and Chapter's Library there; one at Oxford: It is a particularly valuable supplement to Domesday, as that has not any notice of this county.

The whole of these books, together with full indexes of persons, places, and things, have been printed by order of the House of Commons, and accompanied with fac-similes of the original volumes. Translations of the surveys of many of the counties have been made by private individuals, and published at various periods; and copies of, or extracts from the surveys of nearly every county may be seen in the respective county histories: In that for Surrey¹ will be found, not only printed copies of the whole thirteen pages in the original Domesday relating thereto, together with an English translation, but there are thirteen folio copper-plate fac-simile engravings of the record, each engraved sheet being of the same size, and containing the same quantity as the corresponding page in the original record.² These translations are works of great utility, as the contractions and unusual words, found in the survey, render it at first no less difficult to be perused by the scholar than by the miscellaneous reader.

In the British Museum are copies very fairly transcribed, *with the words at length* for the counties of Devon, Somerset, Cornwall, Kent, Sussex, Surrey, Wilts, and Dorset.³

William the Conqueror divided such part of England as did not belong to the Church, and was not reserved for himself, into 700 Baronies or Great Fiefs, which he bestowed on his particular friends, and those who had signalized themselves in his service; these baronies were subdivided into 60,215 knights fees.⁴ No Englishman had any of the first,—and few only were fortunate enough to obtain any of the latter. Sir Matthew Hale states, that several generations elapsed after the Conquest, before one family of Saxon pedigree was raised to any considerable honours, or could so much as obtain the rank of a baron of the realm.⁵

In the reign of Queen Elizabeth, it was the fashion to make “small ac-

¹ Manning and Bray's, 1814.

³ Harleian MSS. 6015.

⁵ Hale's Pleas of the Crown.

² In Nash's Worcestershire are likewise Fac-similes.

⁴ Spelman on Feuds, chap. 27.

count of any ancestor except before the Conquest, telling many fables of these ancestors then preserving their houses, honours and armouries,"¹ but this piece of vanity was not only a fable, as Wyrley states, but one of late growth; for an historian, who wrote in the reign of Henry III. says,

The most deel of hege men, that in Englonde ben
Been come of Normans as ye now seen.²

At present there are few English families who pretend to higher antiquity than the Norman invasion, and it is probable that not many of these can authenticate their pretensions. On making an abstract of the English *printed* peerage, it appears that out of 249 noblemen, the number of thirty-five laid claim to having traced their descent beyond the Conquest; forty-nine prior to the year 1100; twenty-nine prior to the year 1200; thirty-two prior to the year 1300; twenty-six prior to the year 1400; seventeen prior to the year 1500; twenty-six prior to the year 1600, and thirty—but little prior to the year 1700.³ The number of peers entered in that peerage is 294, exclusive of the Royal Family; but of that list, no satisfactory conclusion could be drawn as to the commencement of the pedigrees of forty-five noblemen.

Among all the noble Scotch families, of whose high antiquity vanity is sometimes apt to boast, the house of Marre seems to be that which can at once carry its nobility to the remotest period, and authenticate it by the best evidence. Their nobility can be traced, on tolerable evidence, at least to the days Malcolm Canmore, A.D. 1093.⁴

In the British Museum is a manuscript without date, but apparently written in the sixteenth century, containing the names of such families as were named in Domesday and then existing, specifying also in what shires their lands lay.⁵

¹ Wyrley's True Use of Armorie, 1592. p. 26.

² Robert of Gloucester's Chronicle.

³ Collins's Peerage, sixth edition, 1812.

⁴ Wallace on Scotch Peerages, p. 164 and 453.

⁵ Harleian MSS. 78.

HIC ANNOTANTŪ QVI TRAS TENENŪ IN DERBY SCIRA

- | | |
|---|---|
| .I. REX WILLELMVS. | .X. Radulfus filius huṭti. |
| .II. Eṗs de Cestre. | .XI. Radulfus de burun. |
| .III. Abbacia de Bertone. | .XII. Hascuith musard. |
| .IIII. Hugo comes. | .XIII. Gislebertus de gand. |
| .V. Rogeri ^o pictauensis. | .XII ^{II} . Nigel de Statford. |
| .VI. Henricus de fereires. | .XV. Roṭtus filius Wiffi. |
| .VII. Willelmus peurel. | .XVI. Rogerius de busli. |
| .VII ^{II} . Walteri ^o de Aincurt. | .XVII. Taini regis. |
| .IX. Goisfridus Alselin. | |

TERRA REGIS.

SCARVEDELE WAPENTAC.

- .I. **I**N NEVVEBOLD cū .vi. BEREWITIS . Witintune . Brimintune . Tapetune . Cestrefeld . Buitorp Echintune . Ibi sunt .vi. car⁴ træ 7 i . bou⁴ ad glḁ . Tra .vi. caṛ . Ibi hnt Rex xvi . uiff 7 ii . bord⁴ 7 i . serū . hntes . ii . car . Ad h . man⁴ p⁴ti . viii . ac^a p^ati . Silua past⁴ iii . lev lḡ . 7 iii . lev la⁴ . T.R.E. ua⁴ .vi. liḅ . m̄ x . liḅ .
- Š In Wingreurde . ii . car⁴ træ Soca huj^o w ad glḁ . Tra . ii . car⁴ . Ibi . xiiii . soch⁴ hnt . iii . car .
- Š In Greherst 7 Padinc . iii . bou⁴ træ ad glḁ . Wasta . ē .
- Š In Normantune . v . pars uni^o car⁴ træ ad glḁ . Tra . i . car⁴ . Ibi . i . soch⁴ hnt . ii . bou⁴ in car .
- Š In Honestune . t⁴cia pars uni^o car⁴ træ ad glḁ . Tra . ii . bou⁴ .
- Š In Dranefeld . i . car⁴ træ ad glḁ . Tra . i . car⁴ . Ibi . iii . uiff 7 i . bord⁴ hnt . ii . caṛ .

TERRA EPI DE CESTRE.

MORELESTAN WAPENTAC. SALLE HD.

- .II. **B**I N SALLE 7 Draicot 7 Opeuuelle . hḅ Eṗs de Cestre xii . car⁴ træ ad glḁ . Tra totid⁴ car⁴ . Ibi hnt eṗs iii . car⁴ . 7 xxix . uiff . 7 xiii . bord⁴ . hntes . xiii . caṛ . Ibi pḅr 7 ii . æcc⁴tæ . 7 i . moliñ . xx . solid⁴ . 7 i . piscar⁴ . 7 xxx . ac^a p^ati . Silua past⁴ . iii . q⁴ lḡ . 7 i . q⁴ la⁴ . 7 parū broc . Rad⁴ fili^o Huṭti tenet Opeuuelle .
- Š In Aitone . xii . car⁴ træ ad glḁ . Tra . xii . car⁴ . Ibi . xxii . soch⁴ 7 x . bord⁴ sub ipsis . hnt . ix . caṛ de hac tra 7 xiii . carucas . Aliæ . iii . car⁴ træ suñ uillanoḡ . Ibi . ii . seḁ moliñ . 7 xl . ac^a p^ati . Parū siluæ min . T.R.E. ua⁴ viii . liḅ . m̄ simiṭ .
- w Li BVBEDENE 7 in Appenditijs . v . car⁴ træ ad glḁ . 7 ii . bou⁴ . Tra . v . caṛ . Ibi eṗs de cestre hnt . i . caṛ . 7 xii . uiff . 7 iii . bord⁴ hntes . vii . caṛ . Ibi pḅr 7 æcc⁴tæ . 7 i . moliñ x . soṭ . 7 lx . ac^a p^ati . T.R.E. ua⁴ . vii . liḅ . m̄ . iii . liḅ .

GENEALOGICAL UTILITY.

THE only case (if any) at the present day, in which *legal* proof of a Genealogy, for 700 years and upwards, can by possibility be *necessary*, is in the instance of some claimant to a Barony or Earldom by tenure, the very existence of which species of title is now generally denied.¹

The Committee of the House of Lords, lately appointed to search for all matters touching the dignity of a Peer of the Realm, did in their inquiries respecting the Arundel Title, being an Earldom by tenure, commence with an examination of the present Earl's ancestor's description, and possessions *as recorded in Domesday*.²

In the reign of James I., the Lords Committee appointed to inquire into the claim of Sir Richard Chetwode to the Barony (by tenure) of Wahull or Wodehull, did, after stating that the claimant was entitled to the Barony, certify that "in consideration of so *many Knights' fees held from the very time of the Conquest*, and by him held at that day; and a pedigree, both on the father and mother's side, *proved by authentick records from the time of the Conqueror* (which in such cases are very rare), we hold him worthy the honour of a Baron, if your Majesty thinks meet."³

In the claim of the late Sir George Jerningham to the Barony of Stafford, the claimant's petition included a narrative of heirship, without any chasm in the links, for more than seven centuries; namely, from Robert de Stafford, *one of the great tenants in capite named in Domesday Book*, to his lineal descendant the petitioner. This long genealogical descent was drawn up by Sir Thomas Plomer and Francis Hargrave, Esq.; and although the early part was not necessary to be proved, yet it was thought desirable to introduce, in the cases laid before the King and the House of Lords, a descent from the *Domesday Ancestor*.⁴

To the descent of property, however, Domesday is more valuable. The proof of ancient demesne still rests with Domesday Survey; its evidence is also appealed to, in our Courts of Law, in proving the antiquity of mills, and in setting up prescriptions *in non decimando*, and it is frequently the only evidence which can be adduced of the discharge of abbey lands from tithes⁵ and places from toll.

But though the *legal* utility of Domesday, as confined to pedigrees, is small, the antiquary, as well as the family or national historian, will find much assistance and gratification in consulting a record containing the name and title of every person of importance in this

¹ Arundel is not a genuine Earldom by tenure: the privilege was given by an Act of Parliament. The Berkeley barony is soon to be debated upon. In the Abergavenny case the question was compromised.—² Peerage Report, p. 407.—³ Supplement to Collins' Peerage of England, 1714, part II. p. 18.—⁴ Printed Case for the Com. of Privileges. Collins' Peerage, 6th edition, v. ix. p. 494.—⁵ Preface to Domesday, c. v.

kingdom nearly eight centuries back ; the situation, nature, and extent of all their estates, and, in some instances, the names of their fathers, wives, and children. Almost every page of Dugdale's Baronage may be referred to as evidence of the importance of this census to the genealogist.

In cases where the evidence of Domesday is required, a copy is usually made from the printed volumes, which are remarkably accurate. This copy is then examined with the original, and should be certified by the keeper of the record as correct: and the party examining it, is sufficient witness of the contents of the original volume; for, wherever such original is of a public nature, though not a record, an authenticated copy is good evidence.¹ An exception exists in the House of Lords, who allow none but original documents and records to be produced to them, provided such documents be in England.

¹ 2 Douglas, 594. Rex v. Gordon.

MONASTIC RECORDS.

1 WILLIAM I. — 1066.

TO

27 HENRY VIII.—1535.

CHARTULARIES.

LEIGER BOOKS.

REGISTERS.

OBITUARIES, NECROLOGIES.

CALENDARS.

CHRONICLES.

BATTLE, AND OTHER ABBEY ROLLS.

THE CHARTULARY is a parchment or vellum book, containing copies of all charters relating to the property of the religious house, entered therein at the various periods when the charters themselves were executed. Most religious houses in the kingdom in possession of lands had a Chartulary; and some few of such Records are still in existence, which formerly belonged to individuals of large possessions.¹ The charters are of gift, exchange, lease, and other descriptions.

THE LEIGER BOOK is nearly, if not exactly, the same as the Chartulary, excepting that it seems to have been for more familiar use, and to have been, in the first instance, compiled at one time by one person.

THE REGISTER is a vellum or parchment book, containing a variety of entries relating to the religious house in which it was preserved, such as its

¹ Ex. Gra. Registrum sive Liber irrotulatorius Chartarum de terris Familiæ de Berkeley, Harl. MSS. 265.—Chartularium familiæ de Okeover in com. Staff. Bodleian MSS. 8594. —The Chartulary of the Hyll family in the Augmentation Office.—The Percy Chartulary cited in the Percy Pedigree. Collins's Peerage, 5th edition.

members, revenues, possessions, patrons, their genealogies, and other subjects. Sometimes it has the names of persons buried in the precincts of the Religious House,¹ and of others who have been married there:² some have portraits of their patrons,³ but doubtless ideal: and some have the names of natives or inhabitants of property under their jurisdiction.

THE NECROLOGY OR OBITUARY, is a parchment or vellum Record of the time of death of benefactors, kings, archbishops, bishops, abbots, priests, monks, benefactors and others,⁴ interspersed at times with biographical notices.

THE CALENDAR is what its name at this day imports, AN ALMANACK, containing an additional column, in which was inserted against certain days, the names of those benefactors or great persons whose births, deaths, or benefactions, were on those days to be commemorated.⁵ The Calendar used by the Latin Church was that of Julius Cæsar, dividing the months into calends, nones and ides.

THE CHRONICLE is a Record kept by some (but not by all) heads of monasteries and priories, relating principally to historical events, which though commencing "ab initio mundi," "ab orbe condito," and other equally *unsatisfactory* periods, contains, nevertheless, much important matter relative to English families of note, and worthy of credit when the chronicler is narrating the events of his day; thus the Chronicles of the Monastery of Tewkesbury contain the names of the noblemen and other worshipful slain at that battle, and of others who were taken and beheaded.⁶

In each of the before-mentioned documents, there will often be discovered many entries which might with more propriety have been entered in some other of those records, and in each will frequently be found entire pedigrees of the great families of former times, some member of which has been a benefactor to the establishment thus immortalizing them.

In the collections of records belonging to the dissolved Religious Houses, or made by the monks for their benefactors, are also often found rolls of names of illustrious men, kings, nobles, warriors, monks, and others, as present at some religious, joyous or warlike ceremony, or as in some other way

Ex. Gra.—¹ Register eorum qui sepiuntur in ecclesia et capellis frat. minorum London. Cottonian MSS. Vit. F xii.—² Marriages entered in Tintern Abbey Register. Harl. MSS. 6148.—³ Cottonian MSS. Nero D vii.—⁴ Cottonian MSS. Nero C ix.—⁵ Cottonian MSS. Claudius D iii.—⁶ Harl. MSS. 692.

entitled to be remembered. Of these the great Tournament Roll, representing the tournament of Henry the VIIIth, with portraits of himself, his family, and court, (in number very considerable) is notorious.¹ Another may be mentioned, formerly the property of the Derings,² being a Crusade Roll of the time of Henry III., containing the Christian and Sirname, or Christian name and title, with highly emblazoned shields of nearly two hundred eminent persons then flourishing, who undertook the last Crusade: but the most curious of these Rolls is called the Battle Abbey Roll, and is too frequently quoted in genealogies and histories, not to be particularly noticed.

Shortly after the Conquest, an abbey was founded on the field of battle where Harold was slain by William the Conqueror; and the monks took the charge of recording the names of the principal soldiers who attended the Norman. Their record of them was called the Battle Abbey Roll. Antient genealogists have been accustomed to refer to this in proof of the Norman descent of a family, and we occasionally meet with references to it in modern authors, but it became so falsified in the course of years by the insertions and forgeries of the monks, that its authority is of little value—an assertion first made by Camden above two centuries ago, who said that “whosoever considereth it well, shall find it always to be forged, and those names to be inserted which the time in every age favoured, and were never mentioned in the notable Record of Domesday.”

Dugdale, half a century afterwards, wrote the following words. “There are great errors or rather falsities in most of the copies of Battail Abbey Roll, by attributing the derivation of many from the French who were not at all of such extraction, but meerly English; as by their surnames taken from several places in this realm is most evident. But such hath been the subtilty of some monks of old, that finding it acceptable unto most to be reputed descendants to those who were companions to Duke William, in that memorable expedition whereby he became conqueror of this realm; as that to gratify them (but not without their own advantage) they inserted their names into that antient catalogue.”³

The publication of Domesday Books diminishes, however, the regret which would otherwise have been felt at the want of truth in the Battle Abbey Roll.

¹ Preserved in the College of Arms.

² Dugdale's Baronage, preface.

³ Now the property of the Author.

Two antient manuscript copies of the Roll are in the British Museum;¹ and printed copies may be seen at the end of the Normanni Scriptorum in Leland's Collectanea, in Holingshed's Chronicles, and Stow's Chronicles;—the former containing nearly 200 names more than the latter. A copy of both of these lists is in Fuller's Church History, and in Banks's Dormant Peerage.

There are no records in the Kingdom of more antient date than those which belonged to the Religious Houses; for, without inquiring into the spiritual merits of these recluses, it is quite evident they never omitted any opportunity of preserving their secular estates; and many of the Chartularies now existing, contain entries (in Saxon) for several centuries prior to the Norman Conquest. The Evesham Chartulary² commences with a Deed of Gift of Ethelred, A. D. 701, (in Saxon); and perhaps no better explanation of these books can be given than by the following Table of Contents extracted from the Evesham Chartulary.

De Coronatione Regis Angliæ Forma	Fo. 11
Benefactores (beginning with Ethelred, A. D. 701)	57
Cartæ	60
Copiæ Cartarum	65
Milites & Liberi Tenentes de Abbia Evesh.	66
Redditus Officiis Monachor:	67
Rentale	70
Conventa	81
Donationes de Penwortham	86
Transcripta Privilegiorum	92
Donationū Penworthamiæ	112
De Conservatione Privilegiorum	113
Copiæ Cartarum quorundā regum post Conquestum de Libertatib.	116
Transcripta Consuetudinum	149
Copiæ Instrumentorum de Comuni Sigillo	153
Taxatio in Subsidium Terræ Sanctæ	163
De Gestis Abbatum	168
Copiæ Instrumentorum de Comuni Sigillo	
Parochialis Ecclesia de Penwortham	197
Feoda	91 ³
Bullæ	92
Mortuarii	200

¹ Lansdown MSS. 215. ² Harleian MSS. 3763. ³ The paging begins anew in the Chartulary.

Some few Chronicles, Chartularies, and Registers have been printed, but the most extensive collection of Deeds and Records belonging to Religious Houses ever made public, is in Dugdale's *Monasticon Anglicanum*, where many thousands are "transcribed from the original Grants, Leiger Books, or Muniments of the respective Monasteries; and such credit hath it received from the integrity of the authors or collectors thereof (Roger Dodsworth, and Sir William Dugdale) that it is credibly stated to have been admitted as a circumstantial evidence in the courts of Westminster, when the records there transcribed, could not, upon diligent search, be otherwise recovered."¹ In another case its evidence was refused, because the original records might have been had in the Augmentation Office.²

The British Museum is in possession of the greatest quantity of these valuable documents, which are chiefly to be found in the Harleian and Cottonian collections. The Augmentation Office is, however, the appropriate repository for them, that establishment having been (as will be more fully stated hereafter) formed for the custody of the records concerning property belonging to the monks at the dissolution of Monasteries: of these monastic records an abundance is still preserved here of great value and no less interest, especially as amongst them will be found a large quantity of the *original* Deeds or Charters, copies of which constitute the contents of the Chartularies and Leiger books. These documents, after having lain from two to three centuries in dust and darkness, are now being brought to light, cleaned, repaired, preserved and calendered, or indexed for the benefit of the public; other of these monastic documents exist in various public and private libraries, of which those in Oxford and Cambridge must not be overlooked.

In endeavouring to trace families by means of these records, it will perhaps be the least laborious, if not the only way, to ascertain in the first instance the landed possessions and residences of the family sought after; *the nearest Religious House, or Houses*, may be the most likely to have registered some memorials of their neighbours. In what proportion (with reference to the number of Religious Houses) these, their records exist, cannot well be ascertained; but two centuries ago this lament was made on the destruction of some of them:—"Polydore Virgil, an Italian, did our nation that deplorable injurie in the time of K. Henrie the Eighth, for that his own

¹ Preface to *Mon. Ang.* epitomized, 1693.

² 1 Salk. 282. Skinner, 623.

“ historie might passe for currant, he burned and embezzled the best and
 “ most antient records and monuments of our abbeies, priories, and cathe-
 “ drall churches, under colour (having a large commission under the Great
 “ Seale) of making search for all such monuments, manusc: records, Legier
 “ bookes, &c. as might make for his purpose, yet for all this he hathe the ill
 “ lucke to write nothing wel, save the life of Henrie the Seventh.”¹

John Bale, writing in 1549,² says, the Library books of monasteries were reserved by the purchasers of those houses, to serve their jakes, to scour their candlesticks, and to rub their boots; some were sold to grocers, sope-sellers, and some sent over the sea to the book-binders, not in small number, but at times whole ships full. A merchant bought two noble Libraries for forty shillings. Fuller says that the owners of the monastic Libraries burnt and threw them away, reserving, however, the Leiger books and Terriers to find such straggling acres as belonged unto them.³

¹ Peacham's Complete Gentleman, 1622, p. 51.—² Declaration upon Leland's Journal, 1549: cited by Fuller.—³ Fuller's Church History, 1655, Book VI. who refers to John Bale.

SPECIMEN OF A PEDIGREE FROM A REGISTER.

“Genealogia Comitū Richemūdi post conq^um Anglie.

Eudo Comes Britannie ante conq^um Anglie fuit Galfridi ducis genuit tres filios successive post ejus mortem in comitatu Britannie p^residentes. Alanū scilicet dē Rufū vel Fergaunt qui p^rimo venit in Angliam cū Willelmo Bastard Duce Normannie. Cui idē Willelmus postq^um coronatus fuit in Regem Anglie p^r conquestum auxilio Matildis Regine sue dedit honorem et comitatum Comitum Edwini in Eborakschira qui modo vocat^r Richmundshere et qui adtunc extitit geldabile sed postea Regⁱ p^rivilegio in lib^{er}tatem est mutatus.

“Hic Alanus primo incipit fac^e castrū et muni^cipium juxta maneriū suū capitale de Gilling p^r tuicōe suo^z contra infestacōem Anglo^z tunc ubiq^{ue} exhereditato^z simili^z et Dano^z. Et notavit dē castrū Richemont suo ydiomate gallico quod sonat latine “Divitem montem” in editiori ac fortiori loco sui t^ritorii situatum. Et obiit sine exitu de corpe suo et apud s^cum Edmundum sepultus est.

“Alanus niger frater suus eidem successit in honorem Richmūdie cuj⁹ anno Gu^bna^cōis xvj^{mo}. quidam miles Acharias filius Bardolfi fundavit monastⁱū. ordⁱs Cisterciensis apud Fors in Wendeslagdale q^d postea t^ranslatū ē usq^{ue} in t^ritorium de Witton et vocatur Iorevallis p^r Steph^m postea Comitem Richmūdie. Et obiit sine liberis.

“Steph^m frater d^ci Alani eidem successit in honorem p^ridē qui t^ranstulit Abb^{at}iam de Fors usque locum qui nunc Iorevallis dicit^r genuitq^{ue} filiū nomine Alanū et obiit idus Aprilis an^o gratie mⁱllmo clxiiij^o et sepult^{us} apud Begar, tamen cor suū jussit sepeliri in moⁿ S^ce Marie apud Eboracū quod ip^e prius construxerat et possessionib^{us} amplissimis dotaverat anno gr^e mⁱllmo clxvj^o.

“Alanus filius Steph^m Comitum eidem successit qui obiit in Britannia tertii kal^{as} Aprilⁱ anno gr^e mⁱllmo clxvj^o.

“Conanus filius Alani Comes Britannie et Richmūdie successit in honorem Richmundie et desponsavit Margaretam sororem Willelmi Regis Scotie ex qua genuit unicam filiam et h^{er}edem no^mie Constantiam quam Galfridus frater Ricardi Regis Anglie desponsavit.¹

“Iste Conanus edificavit turr^{em} magnā infra castellū Richmūdie et obiit in Britanⁱa.— et apud Begar sepelit^r A^o m^o clxx^{mo}.

“Constantia filia Conani tenuit honorē p^ridē et ex Galf^ro f^rre Regis h^uit filiū no^mie Arthurū quem Jo^hes Rex Anglie occidi fecit et Alienorā incarceravit apud Corf post mortē Arthu^r f^ris sui. Postea dux^{us} eā Ranulph^{us} Comes Cestrⁱ que ab eo propter adul^{ter}iū divorciata et sine ple^{is} geⁿato nupsit cuidā Guidoni de Toarcho ex quib^{us} p^rcessit filiā no^mie Adeliciā que post mortē parentū remansit in custodia Regis F^rncie, quam Rex dedit in mat^rmo dⁿo Petro Mautclerc militi.”

¹ Cottonian MSS. Faustina B. VII.—This Pedigree of the Earls of Richmond is extracted from the Register of the Honor of Richmond, and was written about 1400.

SPECIMEN OF THE OBITUARY, AND REGISTER OF BURIALS OF THE MINOR FRIARS, LONDON.

Hic est titulus Monumēti, &c.

In primis de choro.

In primis retro magnū altař in archa p̄tis austrā in sacrario jacet cor ven' p̄ris et dñi dñi Iohis Pettham ord̄is m̄ioř Archiep̄i Cantuar.

It: in medio ante magnū altar' jacet nobilis dña Margareta filia Philippi filii S̄ci Ludowici Reḡs Franc' et uř Edwardi p̄mi Secūda et p̄ma fundatrix nove ecclie n̄re Qui obiit 12 die mēs' februarii A^o. dñi. 1317.

It: ad sinistrā in archa boriali jacet dña Beatrix ducissa Britanie et filia Reḡs Henrici tertii et Alianor' uř et uxor dñi Iohis dučs Britanie. Et ad dexterā jacet dña Alienora ducissa Buckynḡm que obiit 13 die mēs' februarii A^o. dom. 1272.

Et ad dexterā ej^od' in tumba elevata jacet dñs Iohes Hastyng miles Comes Penbrochie Qui o^t. die mens... A^o dom: 1389. Juxta quē jacet nobilis dña Margareta M^achaff Comitissa Northfolch et dña de Segrave. Que obiit 29 die mens' Maii A^o. dom. 1389.

Item rev'tendo ad p̄tē sinistrā infra ostiū v'sus ve..... aule jacet cor dñis Iohis de Ferers ux' Guidonis de Ferers. Et ad eor' dextrā in plano jacet dña Ioh̄a de Fenys. Et dña Isabella soror ej^od' sub pāmēto.

In medio chori in tūba elevata de alabastro jacet nobilis dña Isabella Regina Ux' Edwardi S̄ci dc̄ Carnaryvan et filia Regis Philippi pulcri Regis Frācie. Qui obiit 22 die mens' Augusti A^o Dñi 1348. Et sub pectore imaginis ej^od' jacet cor Regis Edwardi mariti sui. *

Item ad cap^t dñe Margarete M^achall in medio chori ubi legit^r epla jacet dñs Gregori' de Roy Rokysle valens burges et quōd' maior Lond. Et ad dexterā ej^od' in plano sub lapide jacet venl' p̄r et fr Iohes psevall doctor egregiū et ord̄is m̄ior' in Anglia. Qui obiit 16 die mens' Decēb A^o dñi 1304.

Et ad dexterā ej^od' spacio decē pedm. ad hostiū capelle Novitior' jacet venl' vir Bern̄ds Chest Collector in Anglia.¹

IN CAPELLA SANCTE MARIE.

Ad dextera coram Altaris sub p̄ma pte senes.....*Original burnt.*

lapide elevato jacet dñs Iohes Gysors valens.....

Civis Lond et strenū miles.

Item ad p̄tē austrālē ej^odem altaris sub sacrario jacet Thomas de Bauḡnetiby m̄iator de societate Perusii.

¹ Cott. MSS. Vit. F. xii.

GENEALOGICAL UTILITY.

The genealogical utility of a document is for many purposes so materially dependent on the claim or title which it has to be received as legal evidence, that it will be advisable to take this early opportunity of making some observations connected with several of the records and manuscripts mentioned in these pages.

However valuable, and however genuine a document may be, it will not now be received as evidence unless it be in the possession of some person connected with the estate or property to which it refers, or who can satisfactorily account for its possession. Upon a trial at the Stafford assizes in 1810, the Marquis of Stafford offered in evidence an old grant to the Priory of Stone, brought from the Cottonian manuscripts in the British Museum, and Mr. Justice Lawrence rejected it on the authority of a case in the Exchequer, where a grant to the abbey of Glastonbury, contained in a curious manuscript book entitled *The 'Secretum Abbatis'* preserved in the Bodleian library at Oxford, was rejected as not coming from a proper custody. And an old grant of common made by John de Trussell in 1342, to the Priory of Stone, given by a friend of the Plaintiff, not connected with the estate, to the Plaintiff as a curiosity, was rejected for the like reason, the possession of it not being sufficiently accounted for, nor connected with any one who had an interest in the property it contained.¹ In the case of *Potts v. Durant*,² antient instruments offered in evidence were likewise rejected, as coming out of private hands unconnected with the matter in dispute: and one of the first questions in our courts, at the present day, to a witness producing an old grant or document, is *Where did you obtain it?*

Although this be the strict rule of legal evidence, there are many cases in which antient grants and documents, not in satisfactory custody, have been received as good and sufficient proof. In the *Mayor of Leicester v. Ruding*,³ *Extracts* from two Monastic rentals and registers in the Bodleian library, Oxford, were produced by John Caley, Esq. and received as evidence: the Defendant's counsel objected to them, as not being the originals; but Mr. Caley explaining that the originals could not be produced, on account of the express direction of the Donor that the books should never be taken from the library, the extracts were received as evidence—*de bene esse*: and such antient documents have also often been received as evidence before Commissioners, and before the Attorney, or Solicitor General, in investigations of Peerages; and more private injury than public advantage would be the result of the total rejection of the most valuable, authentic, and antient documents in this Kingdom, merely because in the course of several centuries they had strayed from their legal owners: indeed if the present rule of the Courts were to be construed to the extent to which it seems liable, a multitude of the charters in our public record repositories might be rejected, as there exist no means of ascertaining how many of them came in their present depositories, the establishments in which they are now found not having, and never having had, the slightest connection or interference with the subject-matters of the charters,

¹ *Swinnerton v. Marquis of Stafford*. 3 Taunton's rep. 91.—² *Anstruther*, 789.—³ *Trinity Term*, 34 Geo. III.

Grants, or Records there preserved; and the most probable presumption being, that their present legal repertory was at some former period the nearest vacant repository. The private injury which might attend the rejection of all documents not in proper custody, will perhaps be apparent, from the following circumstance: Lord Harley, the founder of the Harleian Library, purchased of Henry Fleetwood of Penwortham, the Evesham Chartulary, for the purpose of adding to the now national collection, and with feelings similarly patriotic, Mr. Fleetwood was induced to part with it, although forming, or containing part of, the title to his estate; it was, however, agreed that Mr. Fleetwood and his family should have a right of borrowing the same out of the library, whenever upon occasion of contests with the Bishops of Chester, it should be necessary to produce it at trials in public; and it was accordingly lent for that purpose in the summer of 1720, and a memorandum to the whole of the foregoing effect remains written in the Chartulary, and subscribed by Mr. Wanley, his lordship's librarian, dated March 1721-2.¹

The industry of Lord Harley, Sir Thomas Bodley, Sir Robert Cotton, and other antiquaries, obtained in the same way a multitude of valuable records from private individuals to whose estates they related; of this circumstance there exists not now even such a memorandum as that of Mr. Wanley, and they are consequently not evidence:—these documents form collections worthy the boast of this country, but some slight regret is surely unavoidable in our examination of these valuable instruments, on being compelled to conclude that they ceased to be legal evidence, at the moment when some patriot made them national property.

Of their genealogical utility, however, (whether legal evidence or otherwise) there can be no doubt, and I know of no very ancient documents containing entire pedigrees, excepting these religious registers; that our genealogical writers have been much indebted to them for their contents, will be manifest on referring to Dugdale's *Baronage*, Collins' *Peerage*, *Baronetage*, or any similar work containing references to the proofs of the pedigrees set forth. "There are few or none among the great families and old nobility of England, who have not been founders or principal benefactors to some Monastery, or Religious House, and the Monks and Canons have for the most part taken special care to record in the Leiger Book of their respective houses the history of their Founders, and Patron's family, setting down their several matches, and issue, and oftentimes the day of their birth, death, with the most remarkable circumstances of their lives, and where buried: which seems also to be done at the time when every thing happened, or soon after, and is therefore of great credit."²

In the claim to the Title and Barony of Dacres, made by Margaret Fenys, and committed by Queen Elizabeth to the examination of the Lord High Treasurer, and High Admiral of England, there was produced and received as evidence "A Pedigree taken out of an old Book remaining now with my Lord William Howard, some time belonging to the Priory of Lanercost."³

¹ Harleian MSS. 3763.

² Preface to *Monasticon Epitomized*, 1693.

³ Collins on Baronies, by Writ, p. 48.

CHARTÆ ANTIQUÆ.

I. WILLIAM I.—1066,

TO

27. HENRY VIII.—1535.

WHAT we now call DEEDS or WRITINGS were antiently called CHARTERS, a term introduced, or at least made general, by the Normans, and continued in use for many centuries after the Conquest; and the instruments now known in most of our public Repositories by the name of Chartæ Antiquæ, are very numerous, and some of the most antiently written documents in the kingdom.

In fixing the date of 1535 as the time when these Chartæ Antiquæ cease, and when what are subsequently called TITLE DEEDS commence, I have been guided by the circumstance that there is, perhaps, no Title to Lands which, at the present day, can have occasion to be traced farther back than to the dissolution of the Monasteries, and that there are many of such Titles which *must* commence with a grant of the dissolved Monastery's Lands from Henry VIII. or his immediate successors. The division of time, however, is not only optional, but unimportant; and I am aware that many of the Public Libraries call the whole of the documents in their collections, of a date prior to the Revolution in 1649, Chartæ Antiquæ.

The nature and contents of Charters and Deeds are so thoroughly and universally known, that it would be idle to enter into any description of them; of the value of them, nevertheless, it may be said that it is very great, as they may be classed among the surest proofs of a genealogy, either from the description of the party making the Charter—some recital relating to his father, mother, wife, children, or other branches of his family—from his Seal of Arms—or the names mentioned as witnesses. The Baron Von Lowhen, whose genealogical knowledge was not confined to England, says,

“An usual proof of very antient Nobility are the Charters of public foundations, without which a great many considerable houses would be “strangers to their origin, or at least possibly to the most worthy of “their ancestors.”¹

The British Museum is in possession of a most extensive assortment of Chartæ Antiquæ: of Royal Charters there are upwards of two hundred from Coenwulf, King of Mercia, down to the reign of Charles I.; those before the Conquest being chiefly in Saxon, and the subsequent in Latin, French, and English. At the time of the Norman Survey for Domesday Book, Charters were exhibited to the Commissioners, and a very large portion of the forged Saxon Charters which at this day exist, are to be referred to the period of Domesday Survey. They were fabricated by the Monks, in their anxiety to make the titles to their estates good, when the Norman Commissioners came among them. Some had even forged Seals, an appendage of little notoriety prior to the Conquest.²

Amongst the British Museum Collections, are Foundation Charters of Abbeys, Endowments of Religious Houses, Grants to Secular Establishments, and to individuals; but the private Deeds are by far the most numerous, and consist of Feoffments, Deeds of Bargain and Sale, Leases and Releases, Exchanges, and all manner of Contracts; Agreements and Covenants between private Individuals, besides a variety of other Documents, which, though of no public concern, may yet prove of much utility to the families to whom they relate. The period to which the private Deeds extend, appears to be from the time of Richard II. to that of Charles I.³

In the King's Remembrancer's office in the Exchequer, are also authentic transcripts of antient Charters and Confirmations of Charters of Foundation, and of privileges granted to Monasteries and Priories from the Saxon kings downwards; and a variety of antient Charters and Deeds relating to private property, and made between private persons from the reign of Henry I. downwards.³

In the Bodleian Library at Oxford are also most antient Royal Charters and Grants, as well as private Deeds and Charters beginning in the Saxon times, and many relating to the numerous possessions of the Knights

¹ Analysis of Nobility, 1754.

² Ho. Com. Record Rept: and Brit. Mus. Catalogues of MSS.

³ Record Report.

Templars, and of St. John of Jerusalem: the public library at Cambridge is also possessed of antient books of Charters.¹

The "Chartæ Antiquæ" are the most antient of the public records at the Tower. They consist of forty-one antient rolls of inrollments of Grants and Charters from the time of the Saxon King Edgar, to Henry III., made principally to ecclesiastics. A Calendar of them with an *Index Locorum* was printed in 1772, by Sir J. Ayloff, entitled "Calendars to Antient Charters," &c., 4to.; and in the office at the Tower is an *Index Virorum*. An abstract of them is with the Lansdowne MSS., and copies of them are in the library of the Society of Lincoln's Inn, and in the Harleian Collection; the latter are in two volumes folio, closely and clearly written on eight hundred and eighty pages, with this note at the conclusion, 'Comparata fuerunt omnia ista Transcripta ex Chartis antiquis R. R. cum ipso autographo die Martis, die 29 Aprilis anno D'ni, 1645. Et notandum quod ea quæ in interiore margine hic visuntur in exteriori ejusdem autographi margine vetustis exarata elementis reperiuntur.'²

In the Augmentation Office is a great quantity of Chartæ Antiquæ; for although most of the lands taken from religious houses were granted away as speedily as they had been seized, yet the Charters or Title Deeds and other records of such houses and lands do not generally appear to have accompanied the grants, and there remains in this office a great variety of important and valuable deeds, some nearly as antient as the Conquest. They are of a very miscellaneous kind, consisting of Appropriations of churches, chapels, &c. to religious houses. Endowments and Ordinations of vicarages, &c.; Inrollments of grants of bailiwicks; Bonds and other writings obligatory; some few Chartularies of Monasteries; Compositions real; Deeds of confirmation; Royal and Private deeds of Exchange and Purchase; Feoffments of all sorts; some to religious houses, others from individual to individual; many Deeds of frankalmoigne, or free alms to Monasteries and other religious houses. These, which have been for two centuries kept useless in bags, are now being restored to light and preservation, and accurate indexes have been made to part, and are being continued to the rest: their dates vary from William I. to Charles I.³ Occasionally some of these private title-deeds have been, by virtue of a warrant from the Crown, delivered to

¹ Record Report. Cats. of MSS.

² Bayley's Hist. of the Tower, p. 219; Record Rept.; Harl. MSS. 84, 85.; Lansdowne MSS. 319.

³ Record Report. Personal Inspection.

the owners of the lands they concern, as appears by the receipts still remaining in the Augmentation Office.

In the Auditor's Office of the Land Revenue is a large collection of antient charters, feoffments, deeds of frankalmoigne, and others from the reign of Hen. III. downwards, appertaining to various religious houses.¹

In the archives of our cathedrals are many valuable Chartæ Antiquæ, though frequently no use can be made of them for want of calendars. The Dean and Chapter of Canterbury have a large chest of drawers of them, of which there is a manuscript catalogue in two volumes, enumerating between four and five thousand.²

In the Chapter House at Westminster, is a multitude of antient deeds of all descriptions, as well as a great quantity of title-deeds to the estates of those Wards, who were such during the period of the Court of Wards and Liveries. The former commence at very early dates.³

In the Archiepiscopal Library at Lambeth are thirteen folio volumes of curious documents, called Cartæ Antiquæ, containing church grants of offices and lands; leases, dispensations, elections, licences, ordinations, appropriations, wills, taxations, visitations, inquisitions post mortem, inquisitions of lands, bonds, lists of recusants, miscellaneous charters, awards, sales, exchanges, letters, sentences of the prerogative court, surveys, valuations, papal indulgences, lists of clergy, terriers, rentals, &c. &c.⁴

The State Paper Office is likewise in possession of some Chartæ Antiquæ,⁵ In private families long possessed of landed property, the Chartæ Antiquæ are sometimes numerous beyond calculation. It is known that the Howard, Percy, Cavendish, Temple, Scudamore, and other noble repositories, contain thousands, perhaps it is not overrating them to say that the above-named contain from ten to twenty thousand each: one single chartulary of the Percys contains nearly two thousand transcripts; and the schedule of the Scudamore Deeds and Documents, carried into, and now remaining in the Master's Office of the Court of Chancery, in the matter of the Duchess of Norfolk, a lunatic, comprises 8969 instruments.

Deeds began to be dated in the reign of Edward I.; but the practice was not general till the reign of his successor Edward II.⁶

¹ Record Report. Personal Investigation.
⁶ Coke's Institutes.

² Record Report. Personal Investigation.
⁴ Todd's Cat. of MSS. in the Lambeth Library, 267.

³ Record Report. Personal Investigation.
⁵ Record Report.

SPECIMENS THEREOF.

So little necessity can exist to print old Charters or Deeds for the sake of illustration, that an apology is almost necessary for doing it. Since, however, it was thought that the plan of the work would be less interrupted if some Chartæ Antiquæ were added, three specimens have been selected of some little curiosity. The first affords an instance of the injustice to which the Jews were formerly subjected in this Kingdom, since it appears that a Nobleman would not hesitate, after borrowing money of them, to ask of the King, and the King would not hesitate to grant a Charter, liberating the debtor from his debts, and re-delivering him his Bonds and Chirographs out of the Exchequer, where all Jews were obliged to lodge their securities.

The second is a Charter of the reign of Edward I. whereby John Camoys makes over *his wife* to Sir William Paynel. In the 30th Edward I. its validity came before Parliament, and it was disallowed: the third is a Deed of Grant of a *Villein to the Sacristan of St. Neots*, in 1235.

I. *Deed releasing the Earl of Arundell from his Jew Debts.*

Johannes Dei Gratia Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, Aquitaniæ, Comes Andegaviæ, Justiciario Angliæ et Baronibus de Scaccario Londoniæ, Salutem. Sciatis quod quietum clamavimus fidelem nostrum Willelmum Comitem Arundelliæ, de omnibus debitis quæ ipse debuit Judæis usq: ad festum S. Laurentii anno regni nostri quarto . . . damus quod eum inde quietum esse faciatis. Et Cartas et Cyrografa sua inde ei reddi faciatis. T. me ipso apud Alencun viij. die Augusti.¹

II. *Deed of Grant by Sir John Camoys of his Wife; in the reign of Edward I.*

Omnibus Christi fidelibus ad quos præsens scriptum pervenerit, Johannes de Camoys, filius et hæres Domini Radulphi de Camoys salutem in Domino. Sciatis me tradidisse et dimisisse spontanea voluntate mea Domino Williëlmo Paynel, Militi, Margaretam de Camoys, filiam et hæredem Domini Johannis de Gatesden, uxorem meam; Et etiam dedisse et concessisse eidem Williëlmo, relaxasse et quietum clamasse, omnia bona et catalla quæ ipsa Margareta habet, vel de cætero habere posset; et etiam quicquid mei est de predicta Margareta, bonis et catallis cum pertinentiis suis. Ita quod nec ego, nec aliquis alius, nomine meo, in predicta Margareta bonis et catallis ipsius Margaretæ cum pertinentibus suis, exigere vel vindicare poterimus, nec debemus in perpetuum, Ac Volo et Concedo et per presens Scriptum confirmo quod predicta Margareta cum predicta Dom: Will: sit

¹ In the Tower Record Office.

et remaneat pro voluntate ipsius Will: In cujus rei testimonium huic præsentī Scripto sigillum meum apposui. Hiis testibus Thoma de Depeston, Johanne de Ferrings, Wilhelmo de Icombe, Henrico le Biroun, Stephano Camerario, Waltero le Blound, Gilberto de Batecumbe, Roberto de Bosco, et aliis.¹

III. *Deed of Felicia Buckesworde, conveying Henry Dore, a Villein, to the Sacristan of St. Neot's, Huntingdonsh: A. D. 1235.*²

Sciant presentes et futuri, quod ego Felicia quondam uxor Henrici de Buckesworde, in mea libera voluntate constituta, dedi et concessi et hac præsentī mea Carta confirmavi, Deo et Scō NEOTO et ejusdem Ecclesiæ Sacristæ quicunque pro tempore fuit, Henricum Dore filium Ivonis Dore, nativum meum, in perpetuum, cum omni sequela sua et cum omnibus ex ipso provenientiis . . . Præsentī scripto sigillum meum apposui. Datum Anno Gratiae 1235, die Sci Michælis.—His Testibus;† Helia. Gillemor Capellano; et multis aliis.

¹ Harleian MSS. 980: and Dugdale's Baronage, vol. I. p. 767.

² Gorham's History of St. Neot's, vol. I. p. 315: who extracted it from the Cartulary of the Sacristan of St. Neot's Priory, in the Stowe MSS.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

In the reign of James I. the claim of Margaret Fenys to the Barony of Dacres was referred by the King to certain Commissioners, and in the course of proving the pedigree of the claimant as descendant of the antient Barons, the *Cartæ Antiquæ* of the Tower were had in evidence to prove no less than three successive descents of the family in the reign of Henry II. and Richard I.¹

A reference to the pedigree of the Percys, one of the most full and complete Genealogies in the Kingdom,² or a reference to the descent of any antient family, as printed in Dugdale's *Baronage*, will show the great assistance to be derived from *Cartæ Antiquæ*. It may almost be doubted if some of the most antient families could prove their pedigrees without having recourse to them.

The Committee of the House of Lords, appointed to enquire concerning the dignity of a Peer of the Realm, in tracing the existence and descent of the title of Earl of Arundel, stated, that "the only document from which any evidence had been discovered of the stile used by the first Earl of Arundel, (tempore Will. I.) was the Charter of Foundation of Battle Abbey, in the Harleian Collection, to which he was a witness, by the appellation of 'Roger Com. de Muntgum.'³

The House of Marre (of Scotland) whose nobility is carried to the remotest period, and authenticated by the best evidence, establishes its antient nobility, and the early succession thereof, solely by a Charter of the year 1171.⁴

In the claims of the Duke of Rutland and of Lady Henry Fitzgerald to the Barony of Ross or Ros, as heirs of Robert de Ros summoned to Parliament in 1264; 49 Hen. III., and allowed by the House of Lords in 1806 to Lady Henry Fitzgerald, the descent of the respective claimants was proved in many instances by antient family settlements and other deeds.⁵

¹ Collins on Baronies, by Writ. p. 48. ² See Collins' Peerage, 5th edition. ³ Peerage Report, Pt 1. p. 457. ⁴ Wallace on Antient Peerages, p. 164, and 453. ⁵ Printed Evidence.

MONUMENTAL INSCRIPTIONS,

EPITAPHS, COFFIN PLATE INSCRIPTIONS.

1 WILLIAM I.—1066.

TO

5 GEORGE IV.—1825.

MONUMENTS and tomb or grave stones are worthy of the greatest search, for the sake of the inscriptions engraved upon them, and they are especially desirable, as giving *variety* of information. Sir Henry Chauncy in his History of Hertfordshire says, “ These being memorials of our once flourishing ancestors designed to perpetuate their remembrance to future ages, are of no despicable use to Heralds in tracing Pedigrees, or Lawyers in making out Titles to Estates;” but it should at the same time be particularly remembered, that these inscriptions are very frequently erroneous in *dates*, and sometimes even in *names*. The monuments of Sterne and Goldsmith¹ may be referred to for notorious proofs of this assertion: in the latter, there is an error of no less than three years. In the claim to the Berners Barony,² evidence was adduced before the House of Lords, to prove that the time of the death of a party was *not* as engraved on the monument. Many causes contribute to this incorrectness: executors are not always well informed on the subject; frequently all transactions relating to funerals and monuments (of eminent men especially) are under the direction of an undertaker, a man seldom very careful or very learned: he again hands over half of his orders to the stone-mason, a man of less learning; and if (as is the case) we daily see the most absurd orthography in epitaphs, there is less reason to impute infallibility to the same chisel when carving dates, though the stranger, fortunately for the Sculp-

¹ Biographies of these Poets, prefixed to the editions of their Works, 1816 and 1819.

² Collins on Baronies by Writ.

tor's reputation, can be no critic there. Another great cause of error in monumental dates, is the imbecility of mind of many, especially aged persons, who disguise their ages when living, adding to or diminishing from the truth, as some conceit dictates. This error dies not with them, but lives a new life upon the tombstone. From all these reasons, and possibly a variety of others, it becomes especially the duty of genealogists, to be careful against placing implicit dependance, in important cases, upon monumental inscriptions. Perhaps the proper light in which to regard them, should be rather as guides and helps to more accurate information, than as containing in themselves authentic evidence. So much value, however, is appendant to them, that when the present Earl of Huntingdon (by his agent) was searching for proofs of his descent through the means of antient sepulchral marbles, in order to enable him to claim the Earldom, he found, among other impediments thrown in his way, that a tombstone which had been erected to his ancestors, in a parish church not many miles from Leicester, "*had been shattered to pieces.*"¹ And a genealogist,² who has lately furnished some particulars of the Leighs of Stoneley, considers it highly probable that there are descendants of a Christopher Leigh, from the circumstance (*inter alia*) of the monument to his memory, containing family particulars, having been clandestinely removed out of Stoneley Church since the commencement of a Chancery suit relating to the family, in 1808.

As a last (for who would make it a prior?) resource, we may collect authentic genealogical evidence from the plates on coffins. An application was made, in 1822, to the Lord Chancellor, by a claimant of the Scudamore Estates, at Home Lacy, in Herefordshire, for permission to inspect the coffins in the Home Lacy vaults, such licence having been refused to him (perhaps with the greatest propriety) by those to whom possession of the estates had already been decreed by the Court; and as the application was granted, and is of a novel nature, a copy of the Lord Chancellor's order is subjoined.

"Monday 5 August, 1822.

"In the matter of the Duchess of Norfolk, a lunatic.

"I do think fit, and hereby order, that the petitioners and their solici-

¹ Huntingdon Peerage, by H. N. Bell, 1820.

² Gentleman's Magazine for 1823, Supplement, p. 586.

tors and agents may be at liberty, at all seasonable times, within the space of six weeks from the day of the date of this Order, to open the vaults or graves at Home Lacy, containing the family of the Scudamores, and to inspect all the coffins therein and the plates on the same, and to take copies of the inscriptions on such coffins and plates as they may be advised or find necessary: the said petitioners, at their expense, to cause such opening and inspection to be made with all proper decorum, and with as little detriment as possible, and to replace the said coffins, and reinstate the same vaults and monuments according to their present state and condition, or as near thereto as circumstances will permit; and that such inspection shall not take place but in the presence of some person or persons to be appointed by them the said A. B., C. D., and E. F., upon due notice being given to them or their solicitors proceeding on such inspection."

Some doubts having existed as to the jurisdiction of the Court of Chancery in such a case, the parties who obtained this Order applied to the Bishop's Court for further licence to open the graves; but meeting with no assistance, they went to Home Lacy, hired a competent number of men with pickaxes and proper tools, and in the presence of the village Clergyman, who protested against their conduct, peaceably and decently broke open the vaults and graves, no one presuming to oppose the Order of the Court of Chancery, whatever he might think of its jurisdiction.

As the burial *in vaults* has not been the general mode of interment in England, this source of genealogical information cannot be made very generally available, on account of the rapid destruction of those coffins buried *in graves*.¹ Yet to families of rank, or of long residence on manorial or large estates, it is peculiarly applicable. The sepulchre of the Brydges' (Dukes of Chandos) at Whitchurch, appears to contain most of that family, even as to collateral branches, who have died in the last one hundred years; (the estate came to them in 1696;) a very full and authentic pedigree might be compiled from this vault alone.²

The "Memorials of the Tufton Family"³ seem to have been collected

¹ Cuthbert, Archbishop of Canterbury, (A. D. 742,) was the inventor of church-yards. Harl. MSS. 980.

² From personal inspection, Sept. 1823.

³ By R. Pocock, Gravesend, 1800.

principally from the coffin plates found on an inspection of the Earl of Thanet's family vaults at Rainham, in Kent.

In stating that these genealogical sources exist of the remote era of William the Conqueror, it must not be understood as implying more, than that there are *some*, though not numerous, instances still remaining, of Inscriptions of this date. The first inscribed Funeral Monuments are those bearing the names of Romanized Britons, in Cornwall or Wales. The Inscription on the renowned Arthur, who died A. D. 542, was "Hic jacet sepultus Inclytus Rex Arturius in Insula Avalonia;" and there may still be seen in St. Albans, Westminster, Winchester, and other Cathedrals, Inscriptions of eight centuries standing. That so few antient Monumental Inscriptions remain, may be chiefly attributed (after Time) to our Reformers; those of the reign of Henry VIII. doing as much mischief to them, in their destruction of Monasteries, as their followers did to them in the reign of Charles I. under colour of an Act passed in 1643, ordering all Monuments of superstition or idolatry to be demolished.

The genealogist will, however, learn with pleasure, that the memory of the good and eminent of former days, has not always perished with their Monuments; for there exist, in the Harleian, Cottonian, Bodleian, Lambeth, and other public libraries,¹ as well as in the College of Arms, voluminous collections of copies of antient Monuments throughout most of the counties of England; and if to these we add the volumes printed in the last two hundred years, for the sole purpose of recording Inscriptions,² and the additions published in our County and Local Histories, we shall discover more reason to rejoice at what remain, than to repine at what have perished.

¹ See the printed Catalogues of these Libraries.

² Such as Weever's Funerall Monuments, 1631; Le Neve's Monumenta Anglicana, 1717; Gough's Sepulchral Memorials, 1796.

DIRECTIONS FOR ASCERTAINING THE DATES OF MONUMENTS.¹

Instead of adding in this place specimens already sufficiently notorious, it has been thought preferable to give some slight guides, by which the date of an antient Monument may be ascertained, when its legend can no longer be deciphered.

TENTH AND ELEVENTH CENTURIES.

The coffin lid in the form of a prism, the better to shoot off the wet, because the bottom part of the stone coffin lay on the ground.

In armour, the rustred, ringed, trellised, tegulated, masceled, and edge-ringed, obtained use.

TWELFTH CENTURY.

Coffin lids improved or distinguished with crosses, at first plain, then fleury, in bas relief.

Tables, whereon effigies or sculpture. Priests had chalices in their hands, on their breast; Prelates had mitres, crosiers, great crosses, and pontifical habits; Knights had arms, spurs, and swords.

The armour as in the preceding century.

No coats of arms on shields, or otherwise, occur prior to this century. The earliest known in England are those of Geffrey Magnaville, Earl of Essex, buried in the Temple Church, 1165.

THIRTEENTH CENTURY.

Coffin stones, with heads or bodies emerging from them, and placed in walls, with arches turned over them.

The first brass statue, that of Henry III.

Lombardick capitals became general on tombstones.

The first Table Monument is that of King John, who died in 1216; and the fashion lasted until the reign of James I.

French epitaphs occur.

The oldest instance of a Skeleton Monument is in 1241. Cross-legged figures are between 1224 and 1313. They imply Crusaders, or that the parties had vowed to take the journey. The armour is complete mail, with only knee-pieces of plate.

¹ Extracted from Gough's Sepulchral Antiquities, and Fosbroke's Encyclopedia of Antiquities.

FOURTEENTH CENTURY.

Lombardick capitals on tombstones not used after 1361.

The Text or Old English hand succeeded and continued till the reign of Elizabeth. The inscriptions were engraven on brass, and the words abbreviated.

The armour is a mixture of mail and plate, but mostly mail.

Coats of arms were not *quartered* by subjects until this century : John Hastings, Earl of Pembroke, was the first.

Supporters to arms first occur, being used by Richard II.

Coronets first appear : the instance is in John of Eltham, who died 1334.

FIFTEENTH CENTURY.

Burials in chapels introduced.

In armour—From 1400 all plate but the gorget : in 1416 all plate occurs.

Henry V. was the first who bore three *fleurs de lis* instead of *semée*.

SIXTEENTH CENTURY.

Inlaid with brass.

Altar Monuments at the beginning of this century.

Monuments against the wall, chiefly since the Reformation.

Roman round-hand took place about the end of the reign of Henry VIII.

“*Orate pro anima*” was discontinued on Monuments at the Reformation : Catholics only have used it since.

The first deviation from the Gothick forms of tombs is the monument of Lord Darnley’s mother, who died in 1578.

Skeletons in shrouds succeeded, and were imitated by corpses in shrouds, tied head and foot.

Figures supported their heads on the right hands ; an attitude taken from the Greek and Roman Monuments.

A kneeling attitude for children takes date not till after the Reformation ; nor for parents, except to the Cross ; nor the infant in swaddling clothes, nor cradle.

SEVENTEENTH CENTURY.

The latest date of animals at the feet is 1645.

Cumbent figures occur till 1676.

SITUATIONS OF TOMBS.

Founders or re-founders in the substance of the walls or chapels. If the figures be religious, perhaps incumbents as well as founders.

Workmen or officers of churches not unfrequently had epitaphs on the outside walls.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

IN the claim of Catherine Bokenham to the Barony of Berners, in 1720, there were given in evidence before the House of Lords, in proof of the claimant's pedigree, *ten Inscriptions from Monuments*.¹

In the claim of Viscount Killmorey to vote at the election of Representative Peers for Ireland, in 1812, there was given in evidence before the Committee of Privileges of the House of Lords, a copy of a Monumental Inscription. It was given and received in evidence *to prove the birth, succession to title, death, and burial* of Robert fifth Viscount Kilmorey.²

In the claim to vote at the election of Representative Peers for Ireland, made by the Earl of Ormonde and Ossory, in 1821, *the marriage of John Butler, of the Castle of Kilkenny, to Lady Anne, daughter of the Earl of Wandesford, was proved* before the Committee of Privileges of the House of Lords, *by a copy of the Monumental Inscription of the said Earl*, mentioning the circumstance.³

In the claim of Sir Cecil Bishopp, Bart. in 1804, to the Zouche Peerage, there was given and received in evidence before the House of Lords, in order *to prove a birth, a marriage, and a death*, a copy of an Inscription of a Monument of the Tates, in Hardingstone Church, Northamptonshire; ⁴ and throughout that case, much of the pedigree was proved by Monumental Inscriptions.

The following extracts relate to the use Genealogists have made of *coffin plates*:⁵

"His Grace (Henry second Duke of Chandos) died at Biddesden, in the county of "Southampton, 28 November, 1771, aged 64, and was buried at Whitchurch.

"*Coffin Plate.*"⁶

"On a loose plate in the vault at Rainham, we find there was a Cecil Tufton, Esq. "died August 11, 1728, in the 41st year of his age.—*He does not appear in the pedigree.*"⁷

In the claim of Thomas Stapleton, Esq. in 1790, to the Beaumont Peerage, evidence was given before the Committee of Privileges of the House of Lords, that search had been made in the family vault of the Stapletons, at Pancras, in Middlesex, *for coffin plates* of some of the Stapletons, whose deaths the claimant had not been otherwise able to ascertain; but the search was useless, as time had destroyed all that was found in the vault.⁸

¹ Collins on Baronies by Writ, p. 331 to p. 373.—² Minutes of Evidence before the Committee, printed 1812.—³ Minutes of Evidence before the Committee, printed 1821.—⁴ Minutes of Evidence before the Committee, printed 1804.—⁵ Collins on Baronies by Writ, p. 331 to 373.—⁶ Collins's Peerage, 5th edit. vol. ii. p. 140.—⁷ Pocock's Memorials of the Tufton Family, p. 58.—⁸ Minutes of the Evidence ordered to be printed 1795.

COUNTIES PALATINE RECORDS.

1 STEPHEN.—1135,

TO

5 GEORGE IV.—1825.

DURHAM.

LANCASHIRE.

CHESHIRE.

IT has been thought necessary to direct the attention of Genealogists to these counties thus particularly, in order that the important information in existence relating to them might not continue to be overlooked ; for that such has been the case cannot be very doubtful, after perusing the evidence of the Deputy Cursitor of the Palatinate of Durham, given to the committee of the House of Commons, in 1800, stating, that *in his office were Inquisitions post mortem, from 1333 to 1628—that there was no Index to them—that those and some Copyhold Records had never been searched above once since he came to his Office (in 1793), and therefore he should not suppose worth the expence of arranging.*

The Counties Palatine of Durham, Lancaster, and Chester, contain within them the greater part of the records relating to their respective Counties, or to the families there dwelling, or having possessions ; these Records are similar to the documents enumerated in the preceding and subsequent pages of this work, and, as such, need no particular explanation, or exemplification by specimens, or instances of their Genealogical utility.

The Counties Palatine have separate Courts, in civil, criminal, and ecclesiastical matters ; and, excepting by accident, the notes of their proceedings are not to be found in any of our great national archives.

DURHAM.

The Records¹ relating to the County of Durham, on criminal matters, are with the Clerk of the Crown, in the city of Durham ; those relating to the Court of Pleas, with the Prothonotary ; those relating to the Chancery and to awards, with the Register of the Court of Chancery in the City of Durham. The Copyhold Records, Inquisitions Post Mortem, and Parliamentary Writs, are with the Cursitor of Durham, at Durham ; the Ecclesiastical Proceedings and Affairs are in the Consistory Court, Durham, and Dean and Chapter's Registry ; the Wills and Registers are at the Bishop's Registry, Durham. The British Museum has many documents relating to this county, transcribed or collected by the industry of private individuals.

LANCASHIRE.

For Lancashire are similar officers, who preserve similar records at Lancaster and Preston. The Indictments and other proceedings in the Criminal Courts are with the Clerk of the Crown, Lancaster ; the Fines, Recoveries, Writs, Minutes, Papers, and Proceedings in real, personal, and mixed Actions, in the Civil Court, and the Inrolments of Deeds are at the Prothonotary's, Lancaster ; the Bills, Answers, and other Proceedings, Depositions, Order Books, Decrees, and Decree Books, in the Court of Chancery, are at the Register's Office, Preston, commencing 1 Henry VII. ; but in addition are the valuable Records in the Duchy of Lancaster Office, London, containing Charters and Grants of various Kings, commencing in 1135, Court Rolls from 1283 to the present time, rentals and particulars of Lands belonging to the Duchy, from 1377, and Registers of Grants, Leases, Warrants and Commissions, from the same period ; Inquisitions Post Mortem, from 1 Henry V. to 18 Charles I. amounting in number to 3569. There are also Bills, Answers, and Depositions, Books of Decrees, and Orders in Suits, from 1487 to the present time, and Presentations to Ecclesiastical Benefices, and Patents of Offices, from 1510 to this day ; also Privy Seals and Bills from 1 James I. ; Awards of Inclosures from 1754 ; and Grants of Rents under several Acts, from 1780 ; and in the British Museum are a

¹ The authorities for the whole of this Chapter are, House of Commons' Reports on Public Records, 1800, 1819 ; the *Ducatus Lancastriæ*, 1823 ; the Calendars to the Harleian, Cottonian, and Lansdowne MSS. ; and the Books referred to in the text.

multitude of valuable papers relating to families and property in this district.

Among the volumes of Public Records lately published by order of the House of Commons, is one of great interest and utility, with the following title. Ducatus Lancastriæ, Pars Prima, Calendarium Inquisitionum Post Mortem et Temporibus Regum Edw. I., Edw. III., Ric. II., Hen. V., Hen. VI., Edw. IV., Hen. VII., Hen. VIII, Edw. VI., Regin. Mar. Phil. et Mar. Eliz. Jac. I. Car. I.

Pars Secunda, A Calendar to the Pleadings, &c. in the reigns of Hen. VII. Hen. VIII., Edw. VI., Queen Mary, and Philip and Mary.

The part published contains firstly, a Calendar to the Inquisitions post mortem, from 1 Henry V. to 17 Chas. I. inclusive, about which period this feudal remnant was virtually abolished. Secondly, a Calendar to Pleadings, Surveys, &c. commencing in the reign of Henry VII., and ending in the 5 and 6 Philip and Mary, performed in so useful a manner, that I cannot avoid transcribing a part as a specimen.

HENRY VII.

No.	Reign.	Plaintiffs.	Defendants.	Premises and Matters in Dispute.	Places.	Counties.
1	N. D.	Vol. I. A. Thomas Adams.	The Company and Fellowship of Sheermen of the town of Shrewsbury.	Claim of admission to the Fellowship on payment of 10s.	Shrewsbury.	Shropshire.
11	N. D.	Edward Asshton and others.	Sir Edmond Trafford Knight.	Claim of Wardship of the body and lands of Edmond Asshton.	—	Lancashire.
22	23 Hen. VII.	Edmd. Bray and Jane his wife.	John Glynn and John Pennarth.	Disputed title to messuages and lands.	Pennarth. Polgover. Heyngeworthy. Saint Germyn.	Cornwall.

CHESHIRE.

The Prothonotary and Clerk of the Crown at Chester have the proceedings in Criminal and Civil Actions and Suits, commencing about the time of Elizabeth; and at the Bishop's Registry, Chester, are Wills, Entries of Administrations, Licences of Marriages, Terriers and Parish and Chapel

Registers, Proceedings in the Consistory Court, Presentations to Benefices, Nominations to Curacies, and the like.

The British Museum has the extensive collections relating to families of this Duchy, made by the three Holme's, besides many other original documents. In the University Library, Cambridge, are Surveys of the Duchy, and some *Iter Forestæ*, as well as Receivers' Accounts of Lands, and their Rentals. At the Auditor's office of the Land Revenue, are a few Records relating to this County ; at the King's Remembrancer's Offices, are Pleas of the Forests in the reign of Edward III.; and it would be almost an act of illiberality to conclude this short account of the Records relating to the Palatinate Counties, without referring the reader to the ample use made of many of them in the valuable County Histories, of two of these Palatinates, published by George Ormerod, LL.D. and by Robert Surtees, Esq.; and to the materials for Lancashire, collected by Matthew Gregson, Esq. and entitled "Portfolio of Fragments," &c.

THE PIPE ROLL.¹

5 STEPHEN.—1140,

TO

5 GEORGE IV.—1825.

THE Great Roll of the Exchequer, otherwise called the Pipe Roll, contains an account of the Revenue of the Crown, beginning in the 5th year of the reign of King Stephen, written out in process every year to the several Sheriffs of England, who were the general receivers and collectors thereof, and by them levied and answered to the Crown, upon their annual accounts before the Clerk of the Pipe, which method is continued for so much of the said revenue as yet remains, and hath not been alienated from the Crown ; for all which, the respective Sheriffs do now account and take their quietus out of that office yearly. There were earlier Rolls of this description ; but they have not been known to have been in existence for many centuries.

These Rolls are continued down to the present reign, and are of great interest and utility, more particularly in regard to the transactions of early times, as the names of most men, or families of property, appear upon them, and nearly every antient Pedigree is indebted to them for assistance, since the sources from which the Crown revenues were formerly obtained, independently of the crown lands, were so numerous, that it would perhaps be impossible to produce from history a name of note, which is not recorded on the Pipe Roll. It is of course evident that the most perfect list of Sheriffs of Counties is to be obtained from it. The following are some of the

¹ The authorities for this Chapter are the House of Commons' Reports on Public Records, and Madox's Exchequer, 1769.

fountains of the King's income, enumerated therein: Reliefs, Escheats, Fines for granting the Wardship of Infants, Fines not to grant such Wardships, Fines from Knights to have Wards in marriage, Fines from Wards not to be given in marriage, Fines from the Jews on every imaginable occasion, Fines from Knights for licence to defraud them, from the Jews for protection from being defrauded, Fines for Aids, Scutages, Tallages, and Customs, Fines to have Justice and Right, for Writs, Pleas, Tryals, and Judgments, for expedition of Pleas, Tryals and Judgments, for delay of Pleas, Tryals, and Judgments, Fines payable out of debts to be recovered, Fines for having offices, by Tenants in Capite for leave to marry, for leave to trade, for the King's favour, for his protection and aid, for his mediation, for Seisin, for Replevin or Bail, for Acquittal, for Murder, Manslaughter, Trespass and Misdemeanor, Fines for leave to settle Duels, (even between brothers) and for so many other causes, that they are at once too numerous and too disgraceful to mention, excepting, indeed, for the purpose of considering how superior ^{are} ~~is~~ the freedom and happiness of the humblest menial in these days, to the liberty and power of the greatest Baron six centuries back.

In the Pipe Office are also Rolls of Accounts of the Grant and Disposition of that part of the revenue arising from Parliament: these were not many before the year 1688.

In the Office of the Comptroller of the Pipe is a copy of the Great Roll, called "The Chancellor's Roll;" and the state of the Sheriffs' accounts is entered in folio books for that purpose. The Chancellor's Records commence in the reign of Richard I.: they are preserved at Somerset Place.

In the Tower are two Pipe Rolls, one of 6 Richard I., the other of 7 King John; being duplicates of those in the Exchequer.

Transcripts of some of the early Pipe Rolls are in the British Museum,¹ and much interesting matter extracted from them is in Madox's History of the Exchequer. The valuable collection bequeathed by Mrs. Madox to the British Museum, consisting of ninety-four large volumes, is full of extracts, transcripts, and information, from the Pipe Roll, digested into more order than any other collection relating to the same Roll. The eighty-second

¹ Cott. MSS. Vitellius E. V.

volume comprises four Indexes, alphabetically disposed, of the most material things contained in the Great Roll of the Pipe.

In the Bodleian Library² are collections from the Pipe Roll, from the 5th Stephen to the reign of Edward III. with Indexes; and some Transcripts of the Pipe Rolls are in the Lincoln's Inn Library.

² Bodl. MSS. 4154.

SPECIMEN THEREOF : TEMP. HEN. II.

WILTESCIRA.

Wiffs qui fuit Vic. redd. cōpot. de m. et xxij li. et ij đ. bl. de veteri firma.
 Wiffs Croc deb. xvij li. et x sol. ne placitet de ſra sua donec Rex redeat in Angliam.
 Umfrid. de Bohun redd. compot. de xxij li. et x sol. pro relevat. ſre patris sui.
 Et de cccc. m. arg. ut sit Dap. Reg.
 Johēs Marisc. deb. xxij li. et xij sol. et iiij^d. pro ſra et miniſtio patris sui.
 Et idem deb. xl. m. arg. pro Magiſtio in Curia Reg. de libat. prebendæ.
 Adam de Lort. redd. cōpot. de ix li. ut eſſet Dap.
 Wiffs fil. Herb̄ti de Scō Walerico redd. Coſpot. de C. et xij sol. et iiij^d pro ſr' et miniſtio patris sui.
 Nicols Scutiger Wandregisili redd. Coſpot. de xlvi sol. et viij^d. pro eod. plac. Sed nich' h̄t nec potest inveniri. Et ideo quietus eſt.
 Rob^{tus}. fil. Gerardi redd. Coſpot. de ij unc. auri ut poſſet dirationare ſrā ſuā p. corpus ſuum.

NOVA PLACITA ET NOVÆ CONVENTIONES.

Wiffs Gilbt redd. cōpot. de xx m̄. arg. pro uxore Rog. fil. Wiffi cum dote ſua.
 Tierricus fil. Rogi filioli deb. x m̄. arg. ut h'at rectum de hereditate ſua. Et Adelij. de Dunestanvilla eſt inde pleg.
 Et Vic. redd. Comp. de Danegeldo cccclxxxviij li. et xiii. sol.
 Bertrann de Bulemer redd. Compot. de c. li. et xij sol. et vij d. bl. de veteri firma.
 Et idem de nova firma cxxv li. viii sol. viii bl. et ccxix li. viii sol. iii n̄vo.
 Adam Tiſun redd. compot. de xxxij li. et ij sol. pro om̄ibus debitis patris sui. Et de xv m. arg. ne placitet de ſra ſua donec filius Nig. de Albin' ſit miles.
 Rob̄ts Foſſard deb. D. m. arg. ut iterum reh'at ſr̄m ſuam exc. Donecaſt. q. c̄ceſſit Regi teneſ in manu ſua uſq. ad xx ann. Et ſi te. reddidit D. m. arg. et inſimul rehabebit Donecaſtra.
 Adam fil. Sueni redd. cōpot. de v. m̄. arg. pro dote matris ſuæ pro morte ejus.
 Walſs de Cauceio redd. cōpot. de xv li. ut ducat uxorem ad velle' ſuum.
 Hafculf fil. Ridiou redd. cōpot. de xl sol. et i den. pro reſp. cujuſdam plac. donec Rex veniret in Angliam.
 Petrus de Arch. redd. compot. de xx m. arg. de eiſdem plac.
 Et in perdon per br. R. eidem Petro x m. arg. pro amore Wiffi Malſvers.
 Archiep̄s Eborac̄. redd. cōpot. de x. m. arg. de Dñco ſuo. Et de xxv m. arg. de Vavassoribus ſuis de eiſd. plac.
 Godereda filia Goſpate fil. Aldreti deb. x m. arg. pro recto de ſra patris sui.

INSTANCES OF ITS GENEALOGICAL UTILITY.

So early as in the time of the Plantagenets, this Roll of the Exchequer was referred to for evidence connected with descent, although not for the express purpose of proving a pedigree. In 40 Hen. III. the King took homage of William Longspee, son and heir of Idonea, late wife of William Longspee, for all the lands which were Idonea's. The abbot of Pershore, the King's Escheator, was ordered to take security of William for fifty shillings, for his relief. But afterwards, upon searching this Roll of the Exchequer, it was found that the said Idonea held of the King in capite two Baronies; whereupon it was adjudged by the Court of Exchequer, that the said William should pay to the King two hundred pounds for his relief, for the said Baronies.¹

In the claim of Katherine Bokenham to the barony of Berners, in 1717, an extract from the Pipe Roll of the reign of Elizabeth was produced before the House of Lords, and received as evidence, to prove that Sir Thomas Knyvet, Knight, was son and heir of John Knyvet.²

Dugdale, Collins, and other genealogical writers, have made great use of this record, as a reference to any of the pedigrees traced by them and published, will prove. Amongst these, the Russell family is indebted to it; for the pedigree commences by stating, that "this illustrious family hath been for many ages possessed of a large estate in the county of Dorset, as is manifest from the account of the sheriff in 1202, the 3d of King John, when John Russell gave 50 marks for licence to marry the sister of a great man called Daun Bardolf."³ This Sheriff's account, proving John Russell's existence, marriage, and estate, is obtained from the Pipe Roll, and the particulars of these parties exist on no other record.

¹ Cruise on Dignities, p. 33; and Madox, c. 10, s. 4. p. 349.

³ Collins' Peerage, 5th edit. Vol. 1. p. 243.

² Collins on Baronies by Writ,

CORONATION ROLLS.

1 HENRY II.—1154.

TO

2 GEORGE IV.—1821.

MANY of our antient families have titles, honors, or profits arising from services to be performed at the Coronations of our Kings and Queens, originating in grants made to, or privileges conferred upon, the ancestors of such families, by Sovereigns of the earliest dynasties. Of such instances it will be sufficient to name the office of King's Champion, an honor which has been held by the same family (conveyed occasionally through females) not only ever since the Duke of Normandy conquered this country in 1066, but, as is presumed, for many Norman generations previously.

¹ On the intended Coronation of the King, a commission is directed to certain great officers, directing them to enquire into and allow or disallow all claims of services or honors to be performed, as well as of allowances to be made on the solemn day ; and these proceedings have been preserved from very early times, and occasionally published. Those for the reigns of Edward II., Richard II., Henry IV. and V. are at the Tower : from 1483 to 1660, they are at the State Paper Office : the account of the Coronation of Charles I. is at the Duchy of Cornwall Office : the expences of that of James II. are at the Board of Green Cloth ; of that of George III. at the Great Wardrobe Office. The Commission for Claims at the Coronation of George III., with the King's Oath and Signature, is with the Clerk of the Crown in Chancery ; and at the College of Arms, and in the Dean and Chapter of Westminster's Archives, are a quantity of papers and proceedings relating to Coronations, from Henry VIII. to our present Sovereign, some of which are so important, that on the late investigation before the

¹ The authorities for this chapter are the House of Commons Reports on Records, the work mentioned in the course of the text, and personal investigation.

King's Council concerning the right of a Queen Consort to be crowned with the King, it was declared by counsel that they could not proceed with propriety unless the Dean of Westminster would allow them to inspect a book¹ in his Archives, containing accounts of prior Coronations—a permission which the Privy Council immediately obtained.

There are also collections about Coronations, and the proceedings at the inthronization of George I., in the Inner Temple Library, and copies of the claims at that of Richard II. in the Lincoln's Inn Library; but the most regular documents of this description are the Coronation Rolls, preserved at the Rolls Chapel, which commence in the reign of James I., and are continued regularly, including that of George II. (Charles I. alone excepted). These Rolls contain the commission and the proceedings of the Commissioners appointed to hear and determine claims, and also the oaths taken, and declaration made and signed by the King or Queen, when crowned. The Roll is made up by the Clerk of the Crown, and delivered in open Court by the two Chief Justices to the Lord Chancellor, and by him to the Master of the Rolls, in order to be enrolled.

There are no indexes to these Rolls; but as the whole proceedings at each Coronation are contained in one Roll, the claims and proceedings recorded thereon may be easily referred to.

Some particulars relating to Coronations are also entered on the Claus. Rolls. In the Red Book of the Exchequer are enrolled the claims of services at the Coronation of Eleanor, Queen of Henry III. (this is the earliest inrollment of a Coronation). In the Cottonian MSS. are accounts of, or particulars relating to, the Coronations of several Sovereigns, as well as many curious and important documents relative to the manner of Coronations, the appointment of officers at various Coronations, and the things they are to provide.

Among the Harleian MSS. are accounts of the Coronations, and of the claims made thereat, to the reign of George II., from Henry II. both inclusive, with but few chasms; and the regret at these intermissions is lessened by finding in their places the petitions of many great subjects in former days to perform offices at Coronations. In the Saxon Chronicles, and

¹ Called, I believe, *Liber Regalis*, a transcript of, or extract from which, is in the Harleian MSS. 310.

in Hoveden, are accounts of the Coronations of the Kings prior to Henry III.

The Coronation Roll of Richard III. is printed in the Antiquarian Repertory; an abstract of that of James II. in Sandford's Coronation of the King; and that of our present King, in the official Account of the ceremony now publishing.

In the minutes of the evidence given before the Committee of the House of Lords, on the claim of the Rev. Lewis Dymoke to the Marmion Peerage, and ordered to be printed in April 1818, will be found extracts from the greater part of the Coronation Rolls.

The following list contains the most important manuscript documents relating to Coronation claims and services in our public libraries.

HENRY II.

The manner, form, and usage of Gilbert de Strigulle, Marshal of England, in the execution of that office at the Coronation of Henry II. with all the points thereunto belonging.—Harl. MSS. 1065, 4176. Cott. MSS. Vesp. A. v.

RICHARD I.

Order of the Coronation.—Harl. MSS. 158.

The Coronation, as described in the Chronicles of a Monk of Westminster, John Caston.—Claudius, C. iv. Harl. MSS. 293. Cott. MSS. Vespasian, C. xiv. 130.

Hoveden's Account of the Coronation.—Harl. MSS. 310.

The Form of Coronation.—Harl. MSS. 3504.

Hoveden's Account of the Coronation.—Harl. MSS. 192.

Concerning the Coronation.—Tiberius, E. viii. Cott. MSS.

HENRY III.

The Roll of Services inrolled in the Red Book of the Exchequer, of Eleanor, Queen of Henry III.—Anno 20 Hen. III. Harl. MSS. 293, 310.

An Account thereof.—Cott. MSS. Vespasian C. xiv. 141.

The Coronation of the King.—Cott. MSS. Vesp. C. xiv. 132.

EDWARD II.

Extracts from the Public Records, (relating to the Coronation,) by Sir Simonds Dewes.—Harl. MSS. 310.

The Copy of the Coronation Roll.—Harl. MSS. 714. Lansdowne MSS. 317.

The Form of the Coronation.—Harl. MSS. 3504.

The Coronation.—Harl. MSS. 5019. Cott. MSS. Vit. C. xii.

Original Warrants and Extracts from the Close Rolls, relating to the Coronation.—Cott. MSS. Vesp. C. xiv.

The Coronation of the King.—Bodl. MSS. 7354.

EDWARD III.

The Account of the Coronation.—Harl. MSS. 5019.

RICHARD II.

Sergeanties of sundry kinds at, and the process of, the Coronation.—Bodl. MSS. 7354.

Claims at his Coronation.—Harl. MSS. 369, 1309. Cott. MSS. Domitian xviii.

Extracts from the Clause Rolls relating to the Coronation.—Harl. MSS. 592.

The procession, petitions, and claims.—Harl. MSS. 714. Cott. MSS. Tib. D. vi. Vit. C. iv.

The Coronation of the King.—Cott. MSS. Tib. E. viii.

The same, from the Book of Garter King at Arms.—Cott. MSS. Vesp. B. xv.

Concerning the Coronation.—Tiberius E. viii.

HENRY IV.

Copy of the Coronation Roll.—Harl. MSS. 714.

As to the Dinner.—Harl. MSS. 279.

Ordering of the Claims.—Harl. MSS. 1386.

Extracts from the Roll of Services performed.—Cott. MSS. Vesp. C. xiv. 133.

HENRY V.

Claims made at his Coronation.—Harl. MSS. 592. Harl. MSS. 310. Cott. MSS. Tib. E. viii.

Coronation of his Queen.—Harl. MSS. 169. Bodl. MSS. 7354. Cott. MSS. Tib. E. viii.

Sergeanties of sundry kinds at the Coronation.—Bodl. MSS. 7354.

HENRY VI.

The Coronation of the King.—Cott. MSS. Tib. E. viii. Nero C. ix. Bodl. MSS. 7354.

RICHARD III.

The Coronation.—Bodl. MSS. 7354.

Personages attending the King and Queen Anne to their Coronation, through the City of London to Westminster.—Harl. MSS. 1386.

The Order thereof, and of the Service done there.—Harl. MSS. 2115.

HENRY VII.

The Order of the Coronation of the King and Queen.—Harl. MSS. 5111.

The Coronation of the King and Queen.—Bodl. MSS. 7354.

HENRY VIII.

The King's Coronation, with Henry's own interlineations.—Tiberius E. viii. Cott. MSS.

Officers appointed to attend the King and Queen at their Coronation.—Harl. MSS. 5111.

The Coronation of Queen Anne Boleyn.—Harl. MSS. 41, 543.

EDWARD VI.

A detailed Account of the Coronation.—Ant. Soc. MSS. 123.

The Coronation of the King.—Harl. MSS. 169, 353, 2308, 3504.

Claims to do Service.—Harl. MSS. 5176. Cott. MSS. Vesp. A. v. 1. Bodl. MSS. 7354.

MARY.

The manner of the Ceremony of the Coronation.—Cott. MSS. App. xxviii.

The Order of the Procession.—Ant. Soc. MSS. 123.

ELIZABETH.

The Coronation Roll.—Bodl. MSS. 7354.

JAMES I.

The Coronation of the King and Queen Anne his wife.—Harl. MSS. 293. Ayscough's Cat. 4712.

Claims thereat.—Bodl. MSS. 7354.

CHARLES I.

The Form of the Coronation of the King and Queen.—Harl. MSS. 5222.

CHARLES II.

The Rites and Ceremonies of the Coronation.—Harl. MSS. 4129.

Processus ad Coronationem, from the Clerk of the Crown's Roll.—Harl. MSS. 4238, 6025.

Proceeding through London previously.—6815.

The Account of the Coronation from the King's Manuscript.—Bodl. MSS. 7354.

JAMES II.

Claims, Ceremonies, &c. relating to the Coronation.—6815.

Processus et Clamea ad Coronationem, the King's own copy.—3964.

WILLIAM AND MARY.

A bundle of Papers relating to the Coronation Claims, &c.—Harl. MSS. 6815.

ANNE.

The Formulary, with list of those who walked.—Harl. MSS. 6118.

SPECIMEN OF THE CORONATION ROLL OF JAMES II.

Item PETRUS SOAME Armiger Petiçonem suam exhibuit in Curia prædcha in hæc verba.

A les tres honorables et tres illustres Seigneurs Francis Seign^r. Guilford Seigneur Gardien de Grand Sceau d'Angleterre, Laurence Count de Rochester Seigneur Tresorier d'Angleterre, George Marquiss de Hallifax Seigneur President du Conseil Prive du Roy, Henry Counte de Clarendon Seigneur Prive Sceau, Henry Duke de Norfolk Conte Mareschal d'Angleterre, Jaques Duc de Ormond Seneschal de l'Hostel du Roy, Henry Duc de Beaufort Sür President de Gales, Robert Conte de Lyndsey Seigneur Grand Chambellan d'Angleterre, Henry Conte de Arlington Seigneur Chambellan de l'Hostel du Roy, Aubrey Conte de Oxenford, Theophilus Conte de Huntingdon, Jean Conte de Bridgewater, Henry Conte de Peterborough, Philip Conte de Chesterfield, Robert Conte de Sunderland un de Principall Secretaires d'Estate, Guilleame Conte de Craven, Robert Conte de Aylesbury, Jean Conte de Radnor, George Seigneur Dartmouth Maître General de l'Ordinance du Roy, Sidney Seigneur Godolphin Seigneur Chambellan al Roigne Consort, George Jeffreyes Chivalier et Baronet Chef Justice del Banc le Roy, et Thomas Jones Chivalier Chef Justice de Commun Banc, Com^r. a n^{re} Seigneur le Roy Jaques le Second pur recevoir et determiner les Petiçons et Claymes de ceux que par Tenure de leurs Terres ou autrement devoient faire service a n^{re} Tteredoubte Seigneur le Roy a son Coronaçon.

EN TRES HUMBLE manière monstre a vos tres nobles et tres honorables Seigneurs vostre supplyant PIERRE SOAME Escuire Fitz et heire de Estienne Soame Chivaler, que comme vostre dit supplyant ore tient de n^{re} Sovereigne Seigneur le Roy certeyne terres et tenements en Heydon en le Countie de Essex les quelles sont le moitié de la Man^r. de Heydon en ledit Countie par le service de Sergeautie, cest a scavoir de tenir le Basin et le Ewer nostre dit tres Sovereign Seigneur le Roy quand il lavera ses mains devant manger en le jour de son Coronaçon, et come aussi vostre dit supplyant ore tient aussi de nostre dit tres Sovereign Seigneur le Roy certaine autres terres et tenements en Heydon avant dit, les quelles sont l'autre moitié de le dit Mannour de Heydon per le service aussi de Sergauntie, cest a scavoir de tenir le Towallie nostre dit tres Sovereign Seigneur le Roy quand il lavera ses mains devant manger en le dit jour de son Coronation, come appiert per divers records et memorandes esteents en les Chancery et l'Exchequer de n^{re} dit tres Sovereign Seigneur le Roy, les quelles Services ceux que ont tenez les terres et tenements avanditz (l'Estates de les quelles vostre dit supplyant avoit et enjoy) a cause de Tenures de les Terres et Tenements avanditz ont faitz de temps dont memorie ne court a les Coronations de les tres Nobles Seigneurs Roys d'Angleterre Progenitors de n^{re} tres Sovereigne Seigneur le Roi, et pourtant que plaise a vostre Seigneurs de graunter

a vostre dit Supplyant que les ditz Services soient a lui allowés et adjudgées ore le present Coronaçon de nre tres Sovereign Seigneur le Roy: Et que le vostre dit Supplyant soit estre admit en sa personne aut par son cōvenable Deputy a faire et executer au jour de dit Coronaçon nostre tres Sovereign Seigneur le Roy Jaques le Second les Services avant ditz, et que le vostre dit Supplyant port aver et enjoy tous fees, profits, et emoluments a les ditz Services purtenant.

QUA lectâ et auditâ consideratum fuit per Com^{rius} prædços quod Clameum prædçum quoad manutergium tenendū quando Dñs Rex manus suas ante prandrum lavaret allocatur. Sed Constitutio Deputati refertur bene placito Dñi Regis quoad vero residuum Clamei prædçi non allocatur. Et postea Dñs Rex statuit Anthonium Comitem de Kent ad exequendum Servitium prædçum in jure ipsius Petri dicto die Coronaçonis.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

In the claim of Lewis Dymoke, Esquire, to the Barony of Marmion, there were produced, in the year 1816, before the Committee of Privileges of the House of Lords, and received as evidence in proof of the Claimant's descent, seven of the Coronation Rolls.

1st. The Coronation Roll of Richard II. (anno 1377) *proving the marriage of John Dymoke with Margaret his wife*, whereby he became Champion of England, as owner of the manor of Scrivelsby, and shewing the pedigree of an unsuccessful counter Claimant in the person of Baldwin de Freville, a descendant from an elder sister.

2dly. The Coronation Roll of Henry IV. (anno 1399) *proving that Thomas Dymoke was the son and heir of Margaret Dymoke, the widow of Sir John Dymoke*, and that the said Thomas Dymoke did, as such son and heir, and on behalf of the said Margaret Dymoke, perform the service of Champion. The claim and pedigree of Baldwin de Freville, who again opposed the Dymokes, is also entered on the Roll.

3dly. The Coronation Roll of James I. (anno 1603), *proving that Robert Dymoke was son and heir of Sir Edward Dymoke*, and as such, claimed the office of Champion, &c.

4thly. The Coronation Roll of Charles II. (anno 1666) *proving many other links and descents in the Dymoke pedigree*, whereby the office of Champion had descended to Edward Dymoke, and which descent was illustrated by other claimants, *whose pedigrees are likewise entered on the Roll*.

In like manner were produced other Coronation Rolls, on which the pedigree of the Champions of England, as well as of competitors, were entered.¹

The Roll of Queen Anne contains *five* descents of the Champion's family.

These Rolls have also been made use of in some few instances, by Dugdale, Collins, and other genealogical writers.

¹ Minutes of evidence ordered to be printed, 1816.

KNIGHTS' FEES.

1 HENRY II.—1154,
TO
20 CHARLES I.—1645.

THE BLACK BOOK OF THE EXCHEQUER.
THE RED BOOK OF THE EXCHEQUER.
THE TESTA DE NEVILL.
THE SCUTAGE ROLLS.
THE MARSHAL'S ROLLS.
THE CONSTABLE'S ROLL.
THE AID AND SUBSIDY ROLLS.
MISCELLANEOUS LISTS OF TENANTS IN CAPITE.

WHEN William the Conqueror gave his Norman vassals English lands, he imposed upon them the obligation of supplying the Crown with a certain quantity of Knights, specified in the Infeoffment. These Knights had allotments of land from the King's immediate tenants, and held of their several Lords by homage, fealty, and so forth ; their lands were called FEES, and composed the Barony of the King's Vassal. The number of Knights' Fees throughout the Kingdom was 60,215 ; of these the Clergy had 28,115 ; and it seems that in erecting and laying forth Knights' Fees, the Normans ordinarily assigned two carucates¹ or plough lands to each Knight's fée ; for it is mentioned in the Black Book of St. Edmund's Bury, that William the Conqueror gave to Baldwin, the Abbot there, "Octoginta carucatas terræ unde feodaret quadraginta milites." And according to the rate of so much land in those times, was a Knight's fee in Selden's time valued in law books

¹ A carucate contained about 100 acres, varying in various places.

but at five pounds.¹ In the reign of William III. it was by statute raised to fifty pounds per annum.²

But as in time it was often doubtful whether lands were holden by Knight Service, or by some other tenure, or (if holden by Knight service) whether they were holden immediately of the King, or of some other Lord, or by how many Knights' Fees they were holden, and the like, it became necessary to take accounts from time to time, as well by Inquisitions of the Sheriffs on the oaths of Jurors, as otherwise, concerning them.

Inquisitions were accordingly taken, and the Barons returned to the King accounts of what they held. These accounts are of great value to the genealogist; they commence earlier than the generality of our national records; they relate to all the great men of the times in which they were compiled, shewing their estates, and often how they became possessed of them, such as by what ancestor, or from what King; and from a series of these documents may be traced the succession of the families who have owned the estates burthened with the Knights' Service. Their authenticity is not their least value. Of such documents the most antient is

THE BLACK BOOK, or LIBER NIGER of the Exchequer, which contains a list of Knights' Fees of the time of Henry II., being copies of the returns of many of the immediate tenants of the Crown to the King's Writs, certified to the King in consequence of a survey ordered by the Monarch, preparatory to his levying *an aid* for the marriage of his eldest daughter, such being one of the only three cases in which the King might require aid of his subjects, without the public consent of the kingdom: These aids were not without bounds or limits, nor to be levied of all men, nor in what proportion the King should please, for they could only be levied of Knights' Fees, and of such as held their lands by that tenure; and the uttermost that could be required was forty shillings upon each Knight's Fee. ³ The returns demonstrate how very large a proportion of the landed property in the country was then in the hands of the sub-tenants of the immediate tenants of the Crown, who must have formed an important part of the population of the kingdom, in point of numbers, possessions, and personal consequence. The tenants in chief appear, from some of the returns, to be

¹ Spelman on Feuds, cap. 27.
House of Lords, p. 47.

² 7 and 8 William III. cap. 29.

³ Peerage Report of

required to certify to the King how many Knights' Fees they respectively had of old feoffment of the time of Henry the First; how many of new feoffment after the time of that King; and how many upon their respective demesne lands: from which it is inferred, that their property consisted originally of fees and of demesnes; and it appears that, in general, their fees were of old feoffment, and that a few had Knights enfeoffed of their demesnes. Almost all the prelates had great numbers of Knights' Fees holden of their respective churches, generally to the amount at least of the Knights' Fees, for which they owed service to the Crown; and many of the lay proprietors, immediate tenants of the Crown, had also Knights' Fees holden of them respectively to the number, or nearly to the number, for which they respectively owed service to the Crown, and some a greater number. The number of sub-tenants holding by Knight Service of the tenants in chief of the Crown, was probably nearly equal to the number of Knights' Fees in the kingdom; for though some subinfeudations consisted of many Knights' Fees, others were parts of Knights' Fees, and several of the larger subinfeudations were again the objects of further subinfeudations: and the partition of these inheritances amongst co-heirs, tended continually to increase the number of persons holding such subinfeudations.

So early as the reign of Henry II., these sub-tenants were of considerable importance; some of them were themselves also tenants in chief of the Crown; when a tenancy in chief was forfeited or escheated to the Crown, the immediate sub-tenants became tenants in chief of the Crown, as of the forfeited honour, and their interests were afterwards specially provided for by the charter of John, that they should hold of the Crown as they held of their former lord. If the Crown afterwards granted the escheat, the grant sometimes extended only to the demesnes, and the superiority of the fees was reserved to the Crown; and at length it was provided by law, that upon the grant of an escheat by the crown, the fees should not pass without special words for that purpose.

The sub-tenants of the tenants in chief must have generally been the principal Knights resident in every county, and the principal men summoned on inquests. In the reign of Edward I., subinfeudations were prohibited, and all alienations were required to be made to hold not of the alienor, but of the chief Lord of the fee; and every alienation of every part,

however small, of lands, holden in chief of the Crown, must have created a new tenancy in chief of the Crown, and thus greatly increased the number of tenants in chief of the Crown, besides the subdivisions produced by various other means.¹

By the care and labour of the antiquary Hearne, a copy of the Black Book was printed about 1728, of which a second edition was published in 1771, and the reason of the survey appears by the title page, which is as follows:—"Exemplar vetusti codicis MS. (Nigro Velamine cooperti) in Scaccario penes Rememorat'em Regis conservati, Certificationes Feodorum Militum, quæ per majores hujus Regni Barones aliosque de Rege in Capite tenentur, de quibus auxilium ad Matildam, Regis Henrici Secundi filiam, Henrico Romanorum Imperatori maritandam, levatum erat, præcipue continens."

Copies of some of the returns are given in the Appendix; in many of them appear family names and particulars of the parents, children, wives, and occupiers of the land, as well as of the tenants in capite.

A manuscript copy of the Black Book is in the British Museum;² another is at Cambridge, with Archbishop Parker's MSS.

THE RED BOOK OF THE EXCHEQUER is preserved at the Exchequer, and was compiled by a Clerk, who died in 1246. (31 Henry III.) Amongst many miscellaneous entries respecting the court and kingdom at large, and inrollments of deeds and grants of William I. and Henry I. it contains *Serjeanties, Knights' Fees, and Prima Scutagia* of the reign of Henry III. in substance much the same with the Black Book, but continued, as it seems to some antiquaries, to a later period,³ although others conclude that it may have been made from the very same returns, as are contained in the *Liber Niger*.⁴

This record has not yet been published, but it is possible it may form part of the interesting works given to the public, under the record commission.

An abstract of it is in the Lincoln's Inn Library, another is in the College of Arms, a third is in the British Museum.⁵

¹ Peerage Report, p. 48.

² Harleian MSS. 95.

³ House of Commons Record Report.

⁴ Peerage Report, Part III. p. 83.

⁵ Harleian MSS. 7022.

In the British Museum is likewise a manuscript, containing descents of various families, extracted from the Red Book.¹

THE TESTA DE NEVILL is a compilation in two volumes, preserved in the King's Remembrancer's Office of the Court of Exchequer, containing *Nomina Villarum*, Serjeanties and Knights' Fees in several counties, taken by inquest in the reign of Henry III. and Edward I. These books give particular accounts

1. Of Fees holden either immediately of the King, or of others who held of the King in Capite; and if alienated, whether the owners were enfeoffed *ab antiquo*, that is, in the reign of Henry I., or *de novo*, that is, since the beginning of Henry II.'s reign, as also Fees holden in frank-almoigne, with the value thereof respectively.

2. Of Serjeanties holden of the King, distinguishing such as were rented or alienated, with the values of the same.

3. Of Widows and Heiresses of Tenants in Capite, whose marriages were in the gift of the King, with the values of their lands.

4. Of Churches in the gift of the King, and in whose hands they were.

5. Of Escheats, as well of the lands of Normans as others, in whose hands they were, and by what services holden.

6. Of the amount of the sums paid for Scutage and Aid by each tenant.

They appear to have been compiled near the close of the reign of Edward II. or the commencement of that of Edward III. partly from inquests taken on the presentments of Jurors of Hundreds before the Justices itinerant, and partly from Inquisitions upon Writs awarded to the Sheriffs for collecting of Scutages, Aids, &c.

The entries specifically entitled *Testa de Nevill*, are quotations, and form a very small part of the whole. They have in all probability been copied from a Roll bearing that name, a part of which is still extant in the Chapter House at Westminster, consisting of five small membranes, containing ten counties. The Roll appears to be of the age of Edward I. and agrees verbatim with the entries in these books, the whole of which have been printed by order of the House of Commons, with Indexes.²

THE SCUTAGE ROLLS.—When the personal attendance of Knights under

¹ Cott. MSS. Titus B. viii.

² *Testa de Nevill, sive Liber Feodorum in Curia Scaccarii*, 1807.

the feudal system became troublesome, they found means of compounding for it, by first sending others in their stead, and in process of time making a pecuniary satisfaction to the Lords in lieu of it. This pecuniary satisfaction at last came to be levied by assessments, at so much for every Knight's Fee, and therefore this kind of tenure was called *Scutagium*, in Latin, or *Servitium Scuti*; Scutum being then a well-known denomination of money: and in like manner it was called in the Norman French *Escuage*, being indeed a pecuniary, instead of a military service. This first appears to have been taken in the 5th Henry II. on account of his expedition to Toulouse; but it soon came to be so universal, that personal attendance fell quite into disuse. Hence we find in our antient histories, that when our Kings went to war, they levied Scutages on their Tenants in Capite, to defray their expenses: and these assessments, in the time of Henry II. seem to have been made arbitrarily; which occasioning a national clamour, King John consented, in Magna Charta, that no Scutage should be imposed without consent of Parliament. This was omitted in Henry III.'s charter, where it is only provided that Scutages should be taken as in the time of Henry II.; that is, in a reasonable and moderate manner; and afterwards, by statute 25 Edward I. c. 5 and 6, and many subsequent statutes, it was enacted, that the King should take no aids or tasks but by the common assent of the realm. Hence it is held in our old books, that Escuage or Scutage could not be levied but by consent of Parliament; such Scutages being indeed the ground-work of all succeeding subsidies, and the land tax of later times.¹ The Scutage Rolls contain transcripts of Writs from the King to his Sheriffs, directing them to give acquittances to certain Tenants in Capite named in them, for their Escuage. The Rolls are preserved at the Tower; the earliest of them is of the 5th Edward I.; the second commences in the 10th, and ends in the 18th of the same reign; the third and last is of the 31st Edward I.

Transcripts of them are in the British Museum.² A specimen is in the Appendix.

THE MARSHAL'S ROLLS appear to have been records made by the Earl Marshal of England, containing an account of the military service due from the great Tenants in Capite to the King, taken on the occasion of the

¹ Encyclopedia Britannica, Title, Knight Service.

² Lansdowne MSS. 316.

King's assembling his army preparatory to a war. They contain, in the course of their entries, many marriages and descents of the Barons and great men of the time in which they were compiled. It was part of the duty of the Earl Marshal and High Constable of England, to see that the King was properly attended, and his army furnished or supplied by those Tenants in Capite whose tenure so bound them; and some few of the Rolls of the Marshal and Constable still exist, the nature of which will be best understood by a reference to the specimens in the Appendix.

The Marshal's Rolls are preserved in the Tower: they are of the 10 Edward I. and 8 Edward II. Transcripts of them are in the British Museum.¹

THE CONSTABLE'S ROLL. There is one solitary roll in the Tower with this name, of the date of 50 Henry III., containing an account of the services due or rendered by some of the Tenants in Capite, and which may be considered as a companion to the Marshal's Rolls, already fully described.

THE AID AND SUBSIDY ROLLS contain the supplies to the King from his Tenants in Capite, generally given gratuitously to aid the King in his wars or emergencies; and like the preceding records which have been described, contain much information of service to the genealogist seeking after antient families. They are preserved at the Tower and Exchequer: In the former repository is the Aid Roll of the 31 Edward I., and in the Exchequer are books of Aids granted to the King by his tenants in the 20 Edward III.; also the Subsidy Rolls of the Nonæ, which contain the inquisitions taken in the 14 and 15 Edward III. on the Parliament having granted the King the ninth lamb, the ninth fleece, and the ninth sheaf; and of Cities and Boroughs the very ninth part of all their goods and chattels, and of Foreign merchants, dwellers in forests and wastes, and others living not of their gain or store, one fifteenth. In the Exchequer is also a book of the tenths and fifteenths of laity in several counties 3 Henry V.; another, containing Subsidies and Knights' Fees in several counties, taken by inquisition in the reign of Henry VI; and another, of Knights' Fees for estates, from the reign of Henry III. to that of Charles I.

The Nonarum Inquisitions have been printed under the record commission:² the assessment was made on the *places* and not on the *persons*, so that

¹ Lansdowne MSS. 216.
ward. III. 1807.

² Nonarum Inquisitiones in curia Scaccarii temp. Regis Ed-

much of its genealogical utility is lost. The volume, however, abounds with the names of persons who appeared either as Jurors, Commissioners, Land Owners, or in other capacities, and therefore cannot be overlooked. The work has an index locorum, but no index nominum. There were doubtless many Rolls of Aids which have not been preserved, or, if preserved, have not yet been brought to light; for a statute of Edward I. recites that divers persons were in fear that the Aids and Tasks which they had given before time, towards the wars and other business, of their own grant and good will, might turn to a bondage to them and their heirs, *because they might be at another time found in the Rolls.*¹

MISCELLANEOUS LISTS OF TENANTS IN CAPITE. There exist various sources from which Tenants in Capite may be traced, independently of the Rolls before enumerated; and the industry of many antiquaries has extracted from the Inquisitions post mortem, the Pipe Roll of the Exchequer, and other Records, lists of the Tenants in Capite for various reigns, which lists are deposited in our public libraries; the greater part are to be found in the British Museum and Bodleian Library: for these, the respective catalogues must be carefully perused; I can only enumerate the most important.

Henry II. Knights' Fees for all England, Bodl. MSS. 4189. Harl. MSS. 5173, 7022.

Richard I. Bodl. MSS. 4189. Harl. MSS. 7022.

John. Bodl. MSS. 4189. Harl. MSS. 7022.

Henry III. Bodl. MSS. 1983. Harl. MSS. 3874, 708. Cott. MSS. Claudius C. x. Harl. MSS. 6700. (for Leicester). Lansdowne MSS. 277.

Edward I. Bodl. MSS. 1983. College of Arms. Harl. MSS. 3874, 1192, 708. Cott. MSS. Claudius C. x.

Edward II. Bodl. MSS. 1983. College of Arms. Harl. MSS. 708, 3874, 6082. Lansdowne MSS. 277.

Edward III. Bodl. MSS. 1983. College of Arms. Lansdowne MSS. 277. Harl. MSS. 3874, 708, 6082. Cott. MSS. Claudius C. x.

¹ 25 Edward I. cap. 5. A. D. 1297.

- Richard II. Bodl. MSS. 1983. College of Arms. Harl. MSS. 3874, 708. Cott. MSS. Claudius C. x. Lansdowne MSS. 277.
- Henry IV. Bodl. MSS. 1983, 4153, 4179, 5020. College of Arms. Harl. MSS. 3874. Lansdowne MSS. 277.
- Henry V. Bodl. MSS. 1983, 4153, 4179. College of Arms. Harl. MSS. 3874. Lansdowne MSS. 277.
- Henry VI. Bodl. MSS. 1983, 4153, 4179. College of Arms. Harl. MSS. 3874. Lansdowne MSS. 277.
- Edward IV. Bodl. MSS. 1983, 4153, 4179. College of Arms. Harl. MSS. 3874. Lansdowne MSS. 277.
- Richard III. } Harl. MSS. 5174.
Henry VII. }
- Henry VIII. Harl. MSS. 5174. Royal MSS. 7. C. ix., xvi.
- Edward VI., }
Elizabeth., } Lincoln's Inn Library.
James I., }

SPECIMEN OF THE LIBER NIGER.

CARTA WILLELMI DE CURCI, DAPIFERI.

Hæc est Baronia Willelmi de Curci, Dapiferi, quam avus suus et pater suus tenuerunt, et quam ipse tenet. De illa Baronia tenet Simon, filius Petri. VIII^{to}. milites et dimidium. Filius Simonis, filii Petri, qui habet filiam Rogeri de Fraisneto. III. milites. Alanus, filius Remberti. III. milites. Hugo Gulafre. III. milites. Philippus de Rumelli. I. militem. Radulfus, filius Adæ. I. militem. Robertus Gerbert. I. militem. Reginaldus, filius Galefridi, tres partes. I. militis. Willelmus Poher. I. militem. Willelmus de Regiñ. I. militem. Fulco Poher. I. mil.

HOC EST DE VETERI FEFAMENTO.

Et de novo fefamento, quod pater suus feodavit de suo Dominio de eadem Baronia :

Ricardus de Lond. I. mil. Robertus de Stane. I. mil. Walterus de Lillebone. I. milit. Hugo Pincerna dim. mil. Berengerus dim. mil. Goidlanus quintam partem. I. militis.

Et de Baronia Willelmi Meschin, ex parte matris suæ :

Hugo Malet. VIII. mil. Philippus de Chimes. I. milit. Amauricus de Sterta. I. mil. et dim. Michaël de Spichwic. I. mil. Petrus de Godinton. I. milit. Godefridus de Dom. I. m. Reginaldus de Alievecote dim. mil. Willelmus Barre. I. mil. Simon de monte alto dim. milit. Adam, filius Norñ, dimid. milit. Petrus de Moretoñ dim. milit. Ricardus Gramaticus dim. milit.

CARTA DOMINI EXONIENSIS DE MILITIBUS ET FEODIS SUIS.

Venerabili Domino suo H. Dei gratia, illustri Regi Angliæ, Duci Normanniæ et Aquitaniæ, Comiti Andegaviæ, B. Dei gratia Exoñ dictus Episcopus, Salutem et fidele servitium.

Præcepistis michi, quod mandarem vobis per breve meum sigillatum et aptum, non quot servitia militum vobis debeam, sed quot habeam milites fefatos de tempore Regis H. avi vestri, et quot post mortem ipsius, et quot sint super Dominium. Propterea veritatem vobis m̄, sicut eam diligentius inquirere potui, significo.

Robertus, filius Regis, tenet de me feodum. III. militum. Willelmus de Tracy feodum. I. militis. Eustachius de Ioñ feodum. III. militum. Cecilia de Behus feodum. III. militum. Ricardus de Raddona feodum. II. militum. Willelmus de Bottereñ feodum. I. militis. Alexander de Colebroc feodum. II. militum. Osbertus de Wadetoñ feodum. I. militis. Osbertus de Bekaton feodum. I. militis. Alanus de Furnell feodum. I. militis. Willelmus, filius Johannis, feodum. I. militis. Willelmus Hai feodum. I. militis.

SPECIMEN OF THE TESTA DE NEVILL.

COM' SOM'S' & DORS'.

Hundŕm de SUM'TON.

Dñs Reg' H. Pater Regis Angl' dedit Robto filio Bernardi Hañe quod ptinebat ad mañiū de SUM'TON quod modo ptinet ad NIWETON ad forestiam quam Wiffus de Wrotham modo tenet p švic' foreste.

Ričus Revel junior ten3 LAMPORT & CURY ex dono Regis Riči p feodum duoꝝ militū que ptinebant ad eundem manerium.

Ričus Revel senior ten3 ex dono Regis Riči lx solid' de redditū de SUM'TON p unū austurū sorum.

Dñs Rex Joñes dedit Robto de Novo M'cato x^{li} terre in HERDECOT' in escambium de POLESTOKA.

Dñs Rex H. pater dedit Ričo Robbe ST'TA quod fuit escaeta vigilator' de Monte Acuto reddendo inde unam gruem.

Hubertus de Burgo tenet CAMEL de dño Rege in dominico ex dono dñi Regis Joñis.

Hundr' de la HORETHURN & DE MULEBURN.

Dñs Rex Joñes dedit Robto de Veteri Ponte xxx libr' terre ext' villam de MULEBORN p servicio suo set nescitur quod servicium inde facit.

Henricus Cornubiensis ten3 unū molendinū cum ptinencijs apud WIKa ex dono dñi Regis Joñis reddendo in' annuati' xxx^s.

Ričus de Muleburn ten3 dimidiam hidā terre de dño R. Angl' reddendo inde singlis annis xx' s3 nescit' de cujus dono antecessores sui illam primo recepunt.

Wiffus Malet ten3 unā virgatam tre in BURGELEA reddendo inde singulis annis x' de dño Rege s3 nescit' q̄s eā pmo dedit.

Huwardus de Bikelgh ten3 in HOLEWALE viij^{li} terre de dono com' Reginaldi qui antecessorib3 suis illas dedit p serjantiam servandi accipitres dñi Regis.

Hoies de Muleborn tenent de dño Rege forum & placita de MULEBORN ad firmam p C solid'.

Jacob3 de Novo M'cato ten3 HORSINGTON & CHIRETON in dnico de dño Rege.

Hundŕm de la STAN'.

Hundr' de la STAN' abstract' est de dnico dñi Reg' de IVELCESTR' quod ptinebat ad burgū de Ivelcestr' tempe H. R. Angl' & burgenses inde reddiderunt xl' singlis annis & modo p̄dci xl' computant' eis in firma sua.

SPECIMEN OF THE SCUTAGE ROLL.

Scutagium a Rege Ed'ro concessum hiis quæ fecerunt Servitia sua in exercitu ipsius Regis Walliæ anno Regni ejusdem Regis decimo.

Rex Vicecom' Warr' et Leic' Salutem. Quia dictus et fidelis noster Wiffus de Bello Campo Comes Warr' per preceptum nostrum fuit nobiscum in exercitu nro Wallie anno Regni nro decimo, tibi precipimus quod eidem Willo habere fac' Scutagium suum de feod. militum que de eo tenentur in balliva tua videlt Quadraginta solid. de Scuto pro exercitu nro predicto. Et hoc nullatenus omittas. Teste Rege apud Westm. xxiiij die Junii Anno &c. tertio. decimo.

Consimiles lrē diriguntur Vicecomitiß; Devon, &c.

Consimiles lras habet Will'us de Monte Canis de Edwardestone, qui fuit etc. de Scutag suo levand. in Com. Norff'. &c. Teste ut supra.

Joh'es de Bella Aqua qui habuit servitium suum cum Rege &c. habet Scutagium suum in Com. Eborum. Teste ut supra.

Gilbertus de Gaunt qui fuit, &c. habet Scutagium suum in Com. Ebor'. &c.

SPECIMEN OF THE MARSHAL'S ROLL. 10 ED. I.

Servitium Regis Edwardi Summonitum apud Rothelanum die dominica in Crastino Sancti Petri ad vincula anno regni ejusdem Regis decimo contra Lewelinum filium Griffini et David Fratrem suū et alios Walenses rebelles suos presentibus pro Humfrido de Bohun Comite Hereford et Constabulario Anglie Johanne de Bohun, avunculo suo, et Rogero le Bigot Maresc. Anglie Archiepūs Cantuar.

Archiepūs Eborum recogn. Servitium quinque feodorum milit. faciend. per Joñem de Eynill. Joh'em de Meauz, Wiffum de Preston, Rōaldum de Richemund, milites, et per Wiffum de la Laund et Wiffum de Heton Servientes. Eñus Winton nihil quia Eñatus vacans tunc fuit in manu Regis. Henr. de Lacy Comes Lincoln recogn. Servitium septem feodorum mil. et dimid. tam pro hereditate sua quam pro hereditate Marger' ux' sue fac. per seipsum p. Walterū le Bell, Wiffum le Vavasur, Stepñm le Waleys, Jacobum de Nevill, Raðum de Trehampton, et Thomam de Nevill Mil. et Wiffum de Holm Servientem. Robertus de Septem Vallibus recog. Servitium unius feod. mil. fac. per Rolandum de Pecham et Simon de Bradeford de licentia Regis quia est cum Johē le Mareschal. Kanc. Edmundus de Hemegrave qui est cum eodem Johē le Mareschal de licentia Regis recogn. Servitium unius feodi mil. fac. p. Thomam de Hemegrave et eidam de Bradeford Servientes. Suff.

Johannes de Bella Aqua qui duxit in uxorem unam heredum Petri de Brus recogn. Servitium unius feodi Militis fac. p. Rogm de Ewyas et Hugonem de Stowes Servientes. Ita quod si plus, &c. Ebor. Lanc.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

However desirable it would be to refer to instances, where the records mentioned in these pages, have been produced and received as evidence in open court, in support of some genealogy, yet there are reasons which render such a result impossible. There can be no doubt that many of the records never have been so produced; and in the next place, there can be as little doubt, but that many which have been produced as evidence, are not now known to have been so used even by the keepers of them. Failing, therefore, in producing the examples most desirable, recourse can only be had to those instances, where genealogists and antiquaries have made use of such documents, for the purpose of private family history, and which histories having been at some period given to the public, shew at once the industry of the authors, and the sources whence they took their materials. Of such authors, Sir William Dugdale, and Arthur Collins, Esq. stand pre-eminent in their respective publications of the *Baronage*, the *Peerage*, and *Baronetage of England*; and from them and other genealogical histories, it will occasionally be necessary to select instances, as being the only examples known of the genealogical utility of some of the *Rolls and Records* here referred to. In the *Percy Pedigree*, as published in the fifth edition of Collins's *Peerage*, (and which is understood to have been drawn up by the learned Bishop Percy, assisted by the Duke of Northumberland,) the *Black Book of the Exchequer* is quoted three several times, the *Red Book of the Exchequer* twice, and the *Testa de Nevill* once, in exemplification of that pedigree, proving principally the names, possessions, and times of flourishing of the great ancestors of that family.¹

Sir William Dugdale, in tracing the genealogy of the Norman Baronial family of De Vesci, derived part of his information from the *Scutage Rolls of Edward I.* which are quoted and referred to by him.²

In the *Pedigree of the Lacy's, Earls of Lincoln*, as drawn up by Sir William Dugdale, the *Marshal's Rolls of the 10 Edward I.* are quoted in support of the genealogy.³ These *Records* have not been much noticed by genealogists.

In the *Pedigree of the Earls Mortimer*, as drawn up by Dugdale, the existence of Robert de Mortimer, and his marriage with Margery, daughter of Hugh de Say, and heir of Osbert Fitzhugh, are proved entirely by entries of *Knights' Fees* in the *Red Book* and *Testa de Nevill*.⁴

In the *Pedigree of the Albini family*, Dugdale refers to the *Red Book* in proof of this genealogy, as stating that the *Knights' Fees* belonging to Albini's honor of Arundel were 97, and that he had also 42 in Norfolk, of which William his father was enfeoffed by Henry I.⁵

¹ Collins *Peerage*, 1779, vol. 2. p. 280. ² Dugdale's *Baronage*, vol. 1. p. 94. a. ³ Dugdale's *Baronage*, vol. 1. p. 105. ⁴ *Baronage*, v. 1. p. 139. ⁵ *Baronage*, v. 1. p. 110.

ENGLISH GENTRY, LAND-OWNERS, AND TENANTS.¹

1 HENRY III.—1216.

TO

5 GEORGE IV.—1825.

NOMINA VILLARUM.

CROWN SURVEYS.

THE KING'S MINISTERS' ACCOUNTS.

CROWN AND CONVENTUAL LEASES.

LISTS OF FREEHOLDERS AND GENTLEMEN OF ENGLAND.

It will be evident that a series of Records, containing the names and particulars of owners of the land of England, as well as of the tenants dwelling thereon, from very early periods to the present time, must be of much importance; from them we shall be able to fill up many a chasm, and form many a link wanting in Pedigrees framed from other sources. The change of ownership (apparent in these records) from the father to the widow, son, daughter, or other heir or heiress, will often give the date of a death; the custody of a guardian will prove a minority; from a new surname as owner, evidence may occasionally be obtained of the extinction of a family; a continued ownership of the same estate will tend much to prevent the confusion of different and distinct families with each other, who may happen to bear the same name; and many other are the advantages to be derived from documents recording the landholders and tenants of England. Amongst the most antient of such documents are the Nomina Villarum, being two books preserved in the Exchequer of

¹ This chapter is placed rather earlier than the date (Hen. III.) justifies, in order that it may *immediately* follow the account of Knights' Fees, with which it is so closely connected.

Account: the one of the time of Henry III. and Edward I.; the other of the time of Edward II. In the same repository are also several original Rolls, bearing the like title of *Nomina Villarum*, containing the Sheriffs returns of the names of all the villages in England, and the possessors thereof, in 1316. Another similar compilation, extending from 1316 to 1559, has been made by some private hands, copies of which are with the Bodleian MSS.,¹ in the College of Arms, and in the British Museum.² In the Foreign Opposers' Office, Somerset-place, is a book called *Nomina Villarum*, containing claims of Lords of liberties allowed by the Court of Exchequer, in pursuance of antient charters, from the year 1672.

CROWN SURVEYS.—These documents, as the words imply, are surveys of the lands and possessions of the Crown, and they contain the names of the tenants holding of the Crown, their sub-tenants, the rents and services payable in respect of such lands, the nature of the holding, and the title of such tenants to the tenancy, whereby it often becomes necessary to show two or three descents of a pedigree.

In the Chapter House, Westminster, and in the Augmentation Office, are inquisitions containing surveys of manors, the antient demesne of the Crown; also of lordships, manors, lands, and other possessions, which the Crown acquired by forfeiture upon attainders, purchase, exchange, and the like. Also surveys of forests and chaces, surveys in consequence of disputes respecting the boundary of particular manors, parks, places, &c.; also surveys of manors, rectories, lands, and tythes, concealed from the Crown; inquisitions respecting land gained by dereliction of the sea. These surveys are very numerous, and chiefly from and including the reign of Elizabeth to that of Charles II. also inclusive. In the Exchequer of Account are many surveys of manors and rentals of land.

In the King's Remembrancer's Office are many surveys of Crown demesne lands, as also of lands belonging to attainted persons, and others.

In the Office of Surveyor General of the Crown Lands are many surveys made in the reigns of James I., Charles I., the Commonwealth, and Charles II.

In the Petty Bag Office is one bundle of Perambulations of Forests in

¹ 5046 and 3550.

² Harl. MSS. 6281, 6289.

17 Car. I. and a survey of the King's extensive Manor of East Greenwich, Kent, taken by virtue of a commission 7 William III.

In the Auditor General's Office are many inrollments of deeds in books from the period of Henry VIII. to George IV. relating to lands formerly granted by the Crown, containing letters patent under the Great Seal and Exchequer Seal, with the subsequent assignments and conveyances thereof, inquisitions, inventories, charters, manumissions, pleadings, judgments, decrees, wills, commissions, constitutions, privy seals, and the like, making a complete chain of evidence from antient times to this day, of the descent of property, whether by heirship or otherwise.

THE MINISTERS' ACCOUNTS.—In the Augmentation Office are particular Accounts of the Rents, Profits, and Revenues arising from the Honors, Manors, Rectories, Lands, Tenements, and Hereditaments which came to the Crown on the dissolution of Religious Houses, as also by attainder, escheat, or other forfeiture, or by purchase or exchange, as annually rendered to the Auditors by the Reeves, Bailiffs, and other Ministers, and paid over to the Receivers General of the several Counties and Divisions. These accounts are for such periods as the lands remained in possession of the Crown, after which a "Non Respondet" is entered on the Roll. They are chiefly of the reigns of Henry VIII., Edward VI., Philip and Mary, and Elizabeth.

There are also many Ministers' accounts of estates which belonged to the Crown previously to the dissolution of Monasteries, being of different reigns, from Richard II. to Henry VIII. but only for particular counties. Although these Records are not strictly of the class to which these pages refer, yet they are of too much service in cases connected with the descent of Land, and as such, with the descent of Families, to be omitted. In them will be found the names of the former Owners and present Tenants of the Estates, as well as incidental particulars relating to them. It is also often necessary to examine these documents, for the purpose of ascertaining the period at which Grants of Crown Lands were made to private individuals; for as it is frequently impossible to discover, by the existing Indexes of some of the Records, the Grants required, especially where the date is unknown, so it becomes advisable to search when the Ministers of the Crown discontinued entering the Rents and Profits of the Land in question in

their Accounts, for the purpose of ascertaining the period of the transfer, as well as the parties to whom transferred.

In the Exchequer of Account are Ministers' accounts, from Henry III. to Charles I., of manors and lands, the demesne of the Crown, as well as those purchased and exchanged, or procured by attain, and of vacant bishoprics, abbeys, and priories.

CROWN, CONVENTUAL, AND CHURCH LEASES.—Although all Leases are objects of much importance, as tending to shew a succession of Owners and Tenants (often of the same family) for many generations ; yet as the Leases granted by the Crown or Religious Bodies are alone accessible to the public, this statement is confined to those two sources.

In the Augmentation Office are Conventual Leases, of the reigns of Edward IV. and Richard III., but chiefly of those of Henry VII. and VIII.; Leases granted by the Court of Augmentations, inrolled in books from 27 Henry VIII. to the dissolution of the Court 1 Mary; Leases of Crown Lands in the reigns of Elizabeth and James I.; and Particulars of Leases during the reigns last mentioned.

In the office of the Surveyor General of the Land Revenue are particulars relative to the Demised Estates of the Crown, from the Restoration to the present time, in ninety-one volumes ; and two volumes exist of the time of Charles I.

In the Clerk of the Pipe's Office is a series of Records of Leases of Crown Lands, from the beginning of the reign of James I. to the present time, which are all digested, each reign being in a press by itself, and each year in a separate bundle, so that the Record of any Lease from that time may be easily found.

In the University Library, Cambridge, are Accounts of Leases under the Great Seal, of the reign of Elizabeth, and for five years of her successor ; as also many Accounts of Crown Lands and their Tenants, throughout England, for many centuries.

In the State Paper Office are many bundles of Leases from Henry III. to Charles II., to which Calendars and Indexes have been made.

In his Majesty's Land Revenue Office is a multitude of Surveys, Leases, and particulars of Land now or heretofore belonging to the Crown, from 1 Edward I. to the present time ; also Accounts of Grants from the Crown

in fee tail, from 1 Edward I. to 26 Elizabeth, and of Grants to families for long terms of years.

In the Chapter House are many Rentals of Lands and Inquisitions particularly as to the Fens in Nottingham and Derby, tempore Edw. III.

In the British Museum¹ is a book of all the Leases granted by Queen Mary during her reign, to whom, for what period, and at what rent. It contains eighty-one pages, and there are Abstracts of four Leases on an average in each page.

In the same Library² is also an account, containing the names of all the Crown Lands in Yorkshire, and the possessors thereof, in Elizabeth's reign; also an Index of those granted by James I.³

In 1787 an account of all the Manors and Hereditaments in England and Wales, holden by Lease from the Crown, was printed.

In the Archives of the respective Cathedrals will often be found particulars of their Leases for many centuries; and in the Library at Lambeth are the counter-parts of Leases of Church Lands, made by Trustees under authority of Parliament, from 1652 to 1658.

LISTS OF FREEHOLDERS.—There are two direct channels whence the names, residences, and descriptions of persons having freehold property may be ascertained.

1. *The Sheriffs' Lists*, being books compiled annually by the Under Sheriff, containing the names and residences of every male Freeholder in his County, for the purpose of enabling his deputies to summon Juries.

2. *The Poll Books*, in which the Sheriff enters the names, descriptions, residences, properties, and tenants of the Voters at an Election for a Member of the County. In cases of contested Elections, Poll Books are not unfrequently printed; the facility of a reference to such as are published very much increases their utility, and they will doubtless be in existence when the original records have perished.

It will of course be remembered, that the Poll Books may not, and most probably do not, contain *the whole* of the Freeholders of the County; they are Lists only of those who voted, though in cases of contested Elections, the Candidates take care not to suffer many defaulters.

¹ Harl. MSS. 239.

² Lansdowne MSS. 896.

³ Lansdowne MSS. 222.

It is much to be regretted that very few Counties have any books of antient date : Northampton, which has preserved them from 1669, being the only Shire which has records of that century. Shropshire has them from 1713. Few others are of a more remote period than 1760. Some few volumes of Freeholders are in the British Museum.¹

Although there is utility to a Genealogist in being able to prove the existence, residence, and respectability of an ancestor at a certain period and place, yet were it necessary, still greater utility might often be derived from these County Records ; for as they point out the Estates formerly held by a predecessor, a clue is given to a source of information, (that of Title Deeds) which, if permitted by the existing owners to be made available, might at once furnish all the evidence which an inquirer stood in need of.

The Poll and Jury Books are in the custody of the Clerks of the Peace for the respective Counties.

As connected with the Freeholders of England may be placed the land-tax assessments, which are in the Land Revenue Auditor's Office, from 1689 to the present time. Duplicates of which are, by 18 George II. to be preserved at the Clerk of the Peace's, and further copies of which are to be found at the King's Remembrancer's Office.

GENTLEMEN OF ENGLAND.—This class of Englishmen, which might justly require a volume for itself, and which includes the greater proportion of all that is good and eminent in this Kingdom, is thus noticed under a separate title, because many old records are known by the name of "Lists of Gentlemen of England." The earliest of such lists in my knowledge is a roll of the reign of Edward II. 1307—1327, preserved in the Tower, containing the names of those who possessed land to the value of twenty pounds, in the Counties of Somerset, Dorset, Notts, and Derby.

The next and most important document of this description is, a Catalogue of the Gentry of England, made in the twelfth year of Henry VI., 1433, solemnly returned by commissioners into the Chancery. The outward object was to enable the King's party to administer an oath to the Gentry, for the better keeping of the peace, and observing the laws, though the

¹ Lansdowne MSS. 5, 523, 524, Northumberland ; 509 Middlesex ; Harl. MSS. 3790, Middlesex ; 6846, Notts ; 2928, Clerkenwell.

principal reason was to detect and suppress such as favoured the title of York, then beginning to shew itself. These returns are very unequal; some, as in Oxford and Cambridge-shires, descending to persons of mean quality, and some, as Shropshire, Yorkshire, and Northumberland, whose returns do not answer to the extent of those Counties; and it is much to be regretted that the returns of the ten Counties of Chester, Cornwall, Durham, Herts, Lancaster, Northampton, Somerset, Suffolk, Westmoreland, and Worcester, do not appear on the roll. As Minors and Absentees could not take the oath, their names are omitted. The following list contains the number of gentlemen enumerated in each County, exclusive of the four commissioners who made the return:—Bedford, 126; Berks, 199; Bucks, 137; Cambridge, 161; Cumberland, 74; Derby, 230; Devon, 76; Dorset, 59; Essex, 137; Gloucester, 78; Hants, 53; Hereford, 181; Huntingdon, 128; Kent, 312; Leicester, 73; Middlesex, 33; Norfolk, 397; Northumberland, 30; Notts, 84; Oxford, 388; Rutland, 27; Salop, 45; Stafford, 110; Surrey, 127; Sussex, 77; Warwick, 74; Wilts, 136; York, 44. In the Appendix is a specimen of the catalogues, and in Fuller's Worthies are copies of the names of all the gentry.

Although this census of gentry does not appear to have been continued by succeeding Kings, yet our public libraries are not deficient in lists of this class of society, for many generations past. The Lansdowne MSS. have very extensive lists of Justices of the Peace and Gentlemen of England, from the 48th Henry III., 1263; the latest is about 1700.¹

The Bodleian Library contains lists commencing in the reign of Henry III.²

The Harleian MSS. have very valuable accounts of the Gentry of England from early times, dispersed through their volumes.³

Some few are likewise to be found among the Royal MSS.⁴

As included in the class of Gentlemen of England must be noticed the officers filling appointments in his Majesty's Court, Household, and Public Offices, for accounts of whom we are now indebted more to the private compilations of individuals, than to any public records. The Lansdowne

¹ Lansdowne MSS. 1, 5, 20, 35, 52, 53, 54, 63, 71, 78, 84, 104, 165, 232, 633, 737, 846, 865, 896, 1218.—² Bodl. MSS. 6512, 7235, 8495, &c.—³ Harl. MSS. 230, 433, 1301, 1424, 6165, 6804, 6822, 7020, 7022, 7512.—⁴ Royal MSS. 18 D. iii.

MSS. are richest in this class of antiquity, for we there find Household Officers from Henry III. to Henry VIII. and Courtiers, Privy Councillors, and Lords and Ladies about the household, from 1558 to 1590.⁵

In the Harleian, Cottonian, Royal, and other MSS. in the British Museum, are lists of the Royal Household, Ambassadors to and from England, Courtiers, and the like, for many periods; but principally during the reigns of the Tudors and Stewarts.

It is in these collections also, and in the collections of the College of Arms, that we shall find the most, if not the only, perfect lists of Knights, from the Conquest. Before the reign of James I. Knights do not appear to have been recorded on any rolls. In the reign of James I. a proclamation was made by the King, and the Heralds had the charge of registering them, which registers are still preserved in their custody. At present, and for some period past, Knights have been regularly gazetted; but there exists no other records for those of antient date, than the casual catalogues made by Heralds or other antiquaries.⁶ In the State Paper Office are many miscellaneous documents relating to the Officers of the Royal Household in antient times; but there is no regular series of such documents, excepting at the Board of Green Cloth, where the warrants and certificates of the appointments of the officers and servants of the household, from 1626 to 1825, are filed.

Of gentlemen in public and government offices, the fullest accounts are in the Calendars, or Registers, now called Red Books. These valuable repositories were invented, and the first was printed in 1663, by Dr. Edward Chamberlayne, under the title of “*Angliæ Notitia, or the Present State of England.*” From a small and widely printed duodecimo, the work was soon extended to a thick and closely printed octavo, containing excellent lists of Soldiers, Sailors, Physicians, Lawyers, Divines, Public Officers, and Royal Households: it was published nearly annually, until 1755, if not till a few years later, under the appellation of “*Chamberlayne’s Present State of Great Britain,*” about which period it seems to have yielded to a successful rival, *the Red Book*, which was first published in 1739, with the title of the

⁵ Lansdowne MSS. 1, 3, 5, 18, 29, 59, 62, 69, 71, 86, 160, 255, 1163, 1054. Cottonian MSS. 471. Harl. MSS. 146, 3791, 6815, 6273, 7009, 6989, 7512, 293. Royal MSS. 7 C. ix. xvi. 7 F. xiii. xiv. Ayscough’s Index, 72, 1520, 3194, 3479.—⁶ Bodleian MSS. 6515; Dugdale’s Lists of Knights made by Henry VIII. and his six successors.

Court Kalendar, and under that, or some similar designation, has been an annual publication to the present time.

The names of modern residents in the metropolis, and in some few large cities may be known by the Directories, books which must at some future period be of great interest to the antiquary as well as of utility to the genealogist, should they have the fate to survive the destruction which at present generally attends them, when the new year brings a new edition. Amongst the MSS. in the British Museum are some few containing the names of inhabitants in various places at various periods. The Poll Books of the returning officers *for the various Cities and Boroughs*, might also be of genealogical assistance, in case they should have been preserved. Some have been printed.

SPECIMEN OF THE RECORD CALLED NOMINA VILLARUM.

Burgi, et ville, earq, Domini.

Comitat ^e	Walingford Burgus	} unde Dñs Rex Dñs
Berk.	Nova Windesora Burgus.....	
	Burgus Radinge	
		Abbas Radinge est Dñs
Vill in hunder'	{ Sonning, cum Roscompe	} Epūs Saḡ' dñs
de Soning		
qđ est Epi		
Sar'		
Vill in hunder'	{ Newgrave	} Epūs Winton' dñs
de Weregūe		
qđ est Epi		
Wynton		
Hunder' de	Erle	{ Joñes de Erle,
Cherledone	Sheningfeld cum hamel' de Swalowfeld ...	
est D ⁱ R	{ ffynchamp stede cum Berkham	{ Joñes fil. Barth'e de Erle
cuj' vill'		
sūt		
In hunder'	Hurle	{ Joñes de la Heose
de Reness'	Hurle.....	
dñi Regis	Busteshm̃	{ Joñes Le Botiller, et
sūt ville	Walthm̃ Abbis cum Sotesbrok	
		Petr ^o . de la Hoo
Hunder' de	Hurst	Abbas de Abindon
Ripplesm̃	Remenham	Henr' Ernesfast
est D ⁱ . R'	Wynekefeld et Ascote.....	Abbas Westm'
in quo sūt	Clyware cum Byddeworth	Comes Lancastr'
vill.		Abbas de Waltham
		Abbas de Certesey
		Regin' de Panely
		Abbas Westm'
		Abbas de Abindon
		Tho. de Pampesworth et
		Joñes de Loryng
In hu'dr' de Cokham, ville de	{ Cokhm, et } unde D ^a Margar' R ^{na} . est Dña	
	{ Bneefeld }	
Et in Hunder' de Bray, est vill' de Bray. Eademq̃ R ^{na} . D ^a .		
Ville, in	Tyglehurst	} Joñes de Stonore
hunder' de	Burghildebury	
Radinge	Tacham	} Abbas Radyng dñs
qđ est Abbtis	Benham	
de Rading	Chelsey	

SPECIMEN OF THE SHERIFF'S POLL BOOK, 1802.

PARISH OF ST. GEORGE, HANOVER SQUARE, MIDDLESEX.

S W O R N.	Freeholders Name.	Where Freeholder lives.	Where Freehold is situate.	The Nature of Freehold.	Occupier's Name.	Mainwaring.	Byng.	Burdett.
	Arlett, Bartholomew	Old Bond street . .	Old Bond street . .	house .	self			
	Ainsley, Henry . .	75, Dover street . .	25, Dover street . .	do . .	do			
	Barlow, Robert . .	Inner Temple lane .	George st. Hanover sq.	do . .	John Spicer .			
	Butler, Richard . .	Paternoster row . .	Bond street	do . .	George Oakley			
	Barnham, Wm. . .	Cumberland Place, New road	Oxford place . . .	do . .	Henry Blatch			
	Bell, John	Little Charlotte street	Clarges street . . .	do . .	Graham . . .			
	Copley, Jn. Singleton	25, George street, Hanover square .	George street . . .	do . .	self			
	Davis, Sir Jn. Brewer	Albemarle street . .	Albemarle street . .	messuage	do			
	Dudding, Edw. Bar	New Bond street . .	Old Bond street . .	do . .	George Oakley			
	Earl, Sir James . .	Hanover square . .	Hanover square . .	house .	Sir James Earl			
	Evans, Evan . . .	New Bond street . .	New Bond street . .	messuage	Chapman . .			
	Fyler, Samuel . .	Twickenham . . .	Princes st. Hanov. sq.	house .	Pierce . . .			
	Fawill, Edward . .	31, Piccadilly . . .	Brick st. Piccadilly	do . .	Joseph Cox .			
	Gethin, George . .	No. 6, Hind street, Manchester square	Dover st. Piccadilly	do . .	Dr. Heberden			
	Glover, Jonathan .	Albemarle street . .	Albemarle street . .	messuage	self			
	Grimaldi, Wm . .	No. 2, Albemarle st.	Ditto	house .	self			

SPECIMEN OF THE RETURNS OF THE GENTRY

FOR THE COUNTY OF RUTLAND, 12 HENRY IV.

William Bishop of Lincoln,	} Commissioners to take the Oaths.
William de Souche de Harringworth, chiv.	
Thomas Grenham,	
William Beaufo,	
} Knights for the Shire.	
Johannes Basinges de Empyngham, mil.	Johannes Brigge de eadem, merchant.
Johannes Colepepar de Exton, mil.	Joh. Basset de North Luffenham, gent.
Henricus Plesington de Burley, mil.	Jacobus Palmer de eadem, gent.
Robertus Browne de Wodehead, ar.	Johan. Palmer de eadem, gent.
Robertus Davis de Tykencoat, ar.	Willielmi Sheffeld de Seyton, gent.
Johannes Browne de Tygh, ar.	Johannes Sadington de eadem, gent.
Johannes Plesington de Wissenden, ar.	Rob. Sousex de Market Overton, gent.
Thomas Flore de Oakham, ar.	Johannes Vowe de Whitwell, gent.
Franciscus Clerke de Stokedry, ar.	Willielmus Pochon de Wissenden, gent.
Johannes Chycelden de Brameston, ar.	Willielmus Swafeld de Braunston, gent.
Johannes Sapcoat de Keton, merchant.	Henricus Breton de Keton, gent.
Robertus Whitwell de eadem, gentleman.	Willielmus Uffington de Pilton, gent.
Johannes Clerk de Wissenden, merchant.	Thomas Luffenham de Winge.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

In the claim of Katherine Bokenham to the Barony of Berners, in 1717, *an Indenture of Lease*, dated 14 James I., *was produced in evidence* before the House of Lords, *to prove that Thomas Knyvet, Esq. was cousin and heir of Sir Thomas Parry.*¹

In the genealogy of the Parkers, Earls of Macclesfield, as drawn up by Collins, and published in his *Peerage*, the certificates or lists of the Gentlemen of England, in the 12 Henry IV., are adduced as evidence of the existence, residence, and station in life of two of the Family.²

¹ Collins on Baronies by Writs, p. 352. ² Collins's *Peerage*, 5th Edition, 1779, vol. IV., p. 369.

FINES AND RECOVERIES.

1 RICHARD I.—1189,

TO

5 GEORGE IV.—1825.

THESE well-known records contain the proceedings which have been adopted to convey estates, and to free them from their entailment to issue, and from the dower of wives. The House of Commons Committee on Public Records, in speaking of Fines, states, "The utility of these records to all persons desirous of tracing property and pedigree, is unquestionable."

The Archives of this country contain no documents which have been continued and preserved in such uninterrupted succession, and from so early a date, as the "Pedes finium." The information to be obtained from both Fines and Recoveries, is the name of the Freeholder levying the Fine—if married, that of his wife, and occasionally, the names of his eldest child, or other members of his family—the situation and quantity of his estate; and in Fines of antient date, ancestors are not unfrequently mentioned. On some occasions, the signatures of the parties are attached to part of the proceedings.

The antiquity of Fines is greater than the date of the Norman Conquest; and the records of them are regularly preserved from the reign of Richard I. Some few are in existence of the reign of Henry II.

The invention of Recoveries, or rather the use of them, did not openly take place till the 12th of Edward IV., 1471; and the records of them are preserved from that period, or shortly afterwards.

When it is considered that these records prove marriages, and the issue of those marriages, at a time when there were no parochial registers, and that even now they can supply the place of lost or defective parish-books, their value must readily be acknowledged.

At the Chapter House, Westminster, are deposited the Feet of Fines, from the reign of Richard I. to that of George II.

At the Alienation Office are copies of the Writs of Covenants, and the Fines paid thereon, from 1576 to this day.

At the Warrant of Attorney Office, are entries of all Fines levied from about 1507.

At the Custos Brevium Office, are entries of Fines, and some of the proceedings therein, from 1688.

At the King's Silver Office, are entries of them, from the reign of Edward VI.

At the Chirographers', are the original records of all Fines, from the reign of Henry VIII.

As to Recoveries, the Clerk of the Warrants of the Court of Common Pleas, has entries of Recoveries, from the year 1507 to the present time.

At the Prothonotaries' Office, are Recovery Remembrance Rolls, from the 36th Henry VIII. containing, among other legal forms, the names of the demandants, tenants, and vouchees, with the description and particulars of the land to be passed.

The Clerk of the Returns at the Prothonotaries' Office, has the Writs of Covenant, Entry, Summons, and Seisin, the returns thereto, and the attorneys' names, from 1687 to 1824.

He has also, from 14 George III., affidavits on parchment of the due acknowledgment of all Recoveries suffered by *Dedimus Potestatem*.

And at the Warrant of Attorney Office, is the Warrant of Attorney of every Recovery suffered by *Dedimus*, being the only part of the process where the *signature* of the party interested appears.

SPECIMENS OF INDENTURES OF FINE.

29 HENRY II.—1182.

Hæc est finalis concordia facta in curia Domini Regis apud Westmonasterium ad Scaccarium in festo S. Michaelis anno vicesimo nono regni regis Henrici secundi die Dominica proxima ante festum omnium sanctorum coram R. Wintoniensi et G. Eliensi et J. Norwicensi Episcopis et Godefrido de Lucy et Ricardo Thesaurario et Rogero filio Remfridide et Willelmo Basset, et Rannulfo de Geddyng, et Roberto de Wytefeld et Michaele Belet et aliis baronibus Domini Regis ibi tunc presentibus; inter Priorem et monachos de Roffa, Et Julianam filiam Fulconis de Neweham et Robertum de Champaynes filium ipsius Julianæ, de advocatione ecclesiæ de Northtone. Unde recognitio summonita fuit inter eos in curia Domini Regis; scilicet quod prædicta Juliana et Robertus filius suus dederunt et concesserunt prædicto Priori et Monachis advocationem prædictam ecclesiæ de Northtone, et concesserunt advocationem quam Fulco pater prædictæ Julianæ eis fecit de præfata ecclesia.¹

7 RICHARD I.—1195.

Hec est final. concord. fca in cur' dñi Reg' ap' Westm' die Jovis proñ p' meñ Idg. año regni Reg' Ric' vij. corā H. Cant' Arch. R. Lond' Eþo R. Elien' Archd. Offeric fil. Huric Sym. de Patisill Ric' de Hiërd et aliis fidelib' dñi Reg. tūc ibi p'sentibz inñ Egid' de Pinkern et Matill' uñ suā pēntes et Will. de Englefeld fil' ej' d' Matill' teñtē de meñ ville de Englefeld et j' vgate t're q' fuit Rob' fil' Ergod' et de meñ p'ti de Mildhā q' ej' d' ip'a Matill' clamañ in libam dotā suā et unde placit. fuit inñ eos i' p'fat' cur' videlz q' p'fati Egid' et Matill' uñ sua p'cesserūt p'dco Wiffo illā meñ vill' de Englefeld et p'dcam v'gat' t're et p'fañ meñ p't' de Mildha' H'nda et teñda de eis omibz dieb' vite eid. Matill' Reddendo in annuatī undecī marc' argēts ad ij' t'ios s' ad Pasch' vj marc' et dimid' et ad fest' s'ci Mich' alias vj et dimid' et p' hac concessiōe sūm et p'cord' id. Wiff dedit p'dcis Egid' et Matill' xij marc' argēti.—Bēhsire.²

6 GEORGE IV.—1825.

This is the final agreement made in the court of our Sovereign Lord the King, at Westminster, on the morrow of the Holy Trinity, in the sixth year of the reign of George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, before William Draper Best, James Allan Park, James

¹ There is no fine of record, of earlier date than the reign of Richard I. : This specimen has been inserted from its great antiquity, and has been taken from Madox's Exchequer, who refers to the Register of the Bishopric of Rochester. —² From the original at the Chapter House, Westminster.

Burrough, and Stephen Gaselee, Justices of our Lord the King, and others, then and there present, between A. B. Esq. plaintiff, and C. D. Esq. deforciant, of 1 Messuage, 2 Cottages, 2 Stables, 2 Gardens, and 2 Orchards, 300 Acres of Land, 200 Acres of Pasture, 200 Acres of Underwood, and 50 Acres of Land covered with water, with the appurtenances, in the several parishes of

Whereupon a plea of covenant was summoned between them in the said court, (that is to say,) that the aforesaid A hath acknowledged the aforesaid tenements with the appurtenances, to be the right of him the said C, as those which the said C hath of the gift of the aforesaid A, and those he hath remised and quit claimed from him and his heirs, to the aforesaid C and his heirs for ever. And moreover, the said A hath granted for him and his heirs, that they will warrant to the aforesaid C and his heirs, the aforesaid tenements, with the appurtenances, against him the said A and his heirs for ever. And for this acknowledgment, remise, quit claim, warranty, fine, and agreement, the said C hath given to the aforesaid A one hundred and twenty pounds sterling.

PROOFS OF THEIR GENEALOGICAL UTILITY.

In an issue from the Court of Chancery, where the single point was, when John and Mary Phillips were first married, the defendant, who obtained a verdict in support of the legitimacy and of the marriage of the parties, proved the same by the evidence of a Recovery, to which John Phillips, as tenant for life, Mary, as his wife, and Philip Phillips, as eldest son and remainder man in tail, were parties.¹

In the proceedings before the House of Lords, on the claim of Katherine Bokenham to the Barony of Berners, in 1717, part of the evidence in support of the pedigree was a Fine levied 30 Hen. VIII. by Edmund Knyvett and Joane his wife, whereby lands were settled on them for life, remainder to John Knyvett, their son and heir, and Agnes, his wife, in tail.²

In the report of the Attorney General in 1818, on the claim of Hans Francis Hastings, Esq. to the Earldom of Huntingdon, he states, in his review of the evidence offered to and received by him, in support of the petitioner's pedigree, that there were produced to him exemplifications of two recoveries, wherein Hans Francis Hastings was vouched to warranty, *as the tenant in tail of certain estates, in consequence of his being the only surviving son of George and Sarah Hastings.*³

In the Pedigree of the Stafford family,⁴ as drawn up by Dugdale, the utility of Fines in genealogical cases is evident from that author's words. "But all I can farther say of this Edmund Stafford is, that he wedded Margaret, the daughter of Ralph Lord Basset, of Draiton, by reason whereof her descendants, after her death, became heirs to that estate." And in part support of this statement, a fine of 21 Edw. I. is quoted and referred to.

¹ Cooke and another, v. Lloyd : Salop Summer Assizes, 1803. ² Collins on Baronies by Writ. ³ Huntingdon Peerage, p. 357. ⁴ Dugdale's Baronage, Title Stafford.

COATS OF ARMS.

1 RICHARD I.—1189.

TO

5 GEORGE IV.—1825.

COATS OF ARMS ON
SEALS TO DEEDS,
ON CASTLES, PALACES, CHURCHES,
ON STAINED GLASS WINDOWS,
ON MISCELLANEOUS FAMILY INSTRUMENTS.

IT has been much doubted when the bearing of Coats of Arms, “that extraordinary phrenzy of the human mind,” first became hereditary. The Norman tiles, engraved in Mr. Henniker’s Letter to the Antiquarian Society, may be considered as proving them to have been so from the era of William the Conqueror. It was in his reign also appointed, that deeds should be sealed with wax, by each man’s peculiar seal; and Dugdale observes, that Edward the Confessor was the first in England who put his seal to a charter, (it was the foundation charter of Westminster Abbey,) according to the custom of the Normans, with whom he had been educated. This, however, seems, by the subsequent discoveries of the matrices of old Anglo-Saxon seals, especially that of Ethelwald, Bishop of Dunwich, (cir. 850) to be incorrect.¹ There is a castle at Sinus Grimaldi, in Italy, the property of Grimaldi, Prince of Monaco, which was erected by the Grimaldis about 1084, containing a sculpture of the arms of that family, (Lozengy) as now borne by them. These arms are said to have been erected at the period of building the castle.²

¹ Archæologia, vol. 20, p. 480.

² Hist. Grimaldæ Gentis arbor. Paris, 1647, p. 67.

Specimens of hereditary armorial bearings appeared on the shield in the time of Henry I.;¹ but it was probably on the return of Richard I. from the Holy Land, that Coats of Arms became generally used on seals and elsewhere, they having been there used and painted on the shields of knights, to distinguish the variety of persons of any Christian nation, who could not, when clad in complete steel, be otherwise known or ascertained. The great seal of this latter monarch first represents an English king with something on his helmet resembling a plume of feathers. After this reign, most of the English kings have crowns represented on their helmets. On the seal of Richard II. (prior to 1377) the king's helmet is surmounted by a lion on the cap of state. On the head of Henry IV. is his crest, as also on the head of his horse. The first of the Scottish kings who appears with a crest, is Alexander III. who began to reign in 1249.²

In the history of Battell Abbey, Richard Lucy, chief justice temp. Hen. II. is reported to have blamed a mean subject for using a private seal, when that pertained, as he said, to the king and nobility only; at that time they used to engrave on their seals their own pictures, and counterfeits covered with a long coat over their armours. After this, gentlemen of the better sort took up the fashion; and, because they were not all warriors, they made seals of their general coats of arms. At the time of Edward I. seals of some sort were so general, that the statute of Exon, in the fourteenth year of his reign, ordains the coroner's jury to certify with their respective seals. At length, about the time of Edward III. seals became very common, so that not only such as bore arms used to seal, but others fashioned signets, taking the letters of their own names, flowers, knots, flourishes, birds, beasts, &c.³

Antient charters and evidences were only signed with seals, because in those early days very few people could write; from which ignorance, however, a greater regularity in arms ensued.

It was afterwards enacted by statute,⁴ that every freeholder should have his proper seal of arms; and he was either to appear at the head court of the shire, or send his attorney with the said seal, and they who wanted such seals were to be amerced or fined. Every gentleman used then to send his

¹ *Fosbrooke's Encyclopedia of Antiquities.*

² *Deuchar on Crests*, xiv.

³ *Lambard*, 405.

⁴ *Nisbett's Heraldry*, I know not what statute (if English) he alludes to.

seal to the clerk of the court in lead, in order to compare with other sealings, for fear of counterfeits; and so particularly careful were people of seals in those days, that, in case one was lost, no means were wanting, by proclamation or otherwise, to endeavour to have it restored. The custom of sealing without subscription continued in Scotland till the year 1540, when James V. ordered that all evidences should be subscribed as well as sealed.

The impressions on seals of deeds, wills, and the like, have been found, in genealogical matters, to be of signal service. Welsh families are more known by their arms than by their names; and, even in English families, many persons of the same name can only now be classed with their proper families, by an inspection of the arms they bore on their seals, shields, and the like.

The House of Commons have lately ordered a series of the seals of our English monarchs, from William the Conqueror to Edward II., to be engraved and published, as an appendix to the Public Records, published under their order. Foreign nations have long since given to the world copies of the seals contained in their national archives, many of which are far more antient than those in our possession.

Arms appear to have been first quartered on shields¹ by John Hastings, Earl of Pembroke, in the reign of Edward III.

Another essential utility in old seals is, that they frequently, if not generally, contain a garter round the shields of arms, on which is inscribed the name and title of the knight, or other party, sealing the deed, sometimes also adding the name of his father.

Connected with arms on seals, are those antient marks of family honours, the arms, crests, supporters, mottoes, and badges of eminent families and individuals, so frequently found on the walls or windows of castles, palaces, churches, private houses, and on shields, banners, plate, tapestry, pictures, and other miscellaneous ornaments;² for, although these cannot be supposed to exist in such abundance as to assist the multitude who may seek to prove

¹ Edmonson's Peerage, vol. 2, p. 92. ² See an interesting thin quarto on that subject, by the late Mr. Bigland, entitled "Observations on Parochial Registers."

or authenticate their genealogies, yet, in the pedigrees of noble, eminent, or wealthy families, they form a material and very interesting portion.

That they have long been considered as affording good evidence respecting families, is ascertained from Wyrley, who, in the reign of Elizabeth, complained of the fashion then in use, of quartering many marks in one shield, coat, or banner, saying, “ *so that except it be to be made in a pedigree or descent, to lock up in an evidence chest, thereby to shew men’s titles to their lands or the alliances and kindreds of their houses*, otherwise, as I say, I see not to any use in the world they serve, especially so many together, to be made upon a man’s vesture, target, or banner.”

Burton, the author of the History of Leicestershire, a lawyer of no mean acquirements, was so sensible of the value of these antient memorials, Coats of Arms, that, in order to make them still more useful to posterity, he collected copies of them from stained glass-windows, monuments, and the like; for the avowed purpose, that they might rectify armories and genealogies, and give such testimony and proof as might put an end to many differences.

It is impossible to name the variety of ways in which Coats of Arms have been used, and in which they now serve as material proofs of marriages and descents. Some few instances are given in the Appendix. It is evident that, two or three centuries past, the correctness of Coat Armour was a subject of much consideration. Herald-painters were (to ensure accuracy) obliged to obtain licence from the heralds to pursue their occupations, and were punishable and punished for acting without such authority; and, in 1594, the Earl of Kent made a complaint to the Lord Treasurer, that Garter King at Arms had granted to George Rotheram to bear and quarter his antient coat without any difference.¹

Cromwell, Earl of Essex, had no paternal shield of arms! Some flattering heralds would have entitled him to the arms of the family of Cromwell of Lincolnshire, extinct long before. His answer unto them was, “He would not wear another man’s coat, for fear the owner thereof should pluck it off his ears:” and he took a fresh grant of arms.²

¹ Harl. MSS. 6815, 6996.

² Noble’s House of Cromwell.

SPECIMEN OF A GRANT OF ARMS FROM RICHARD II. 1383.

Rex omnibus ad quos &c. salutem. Sciatis quod cū dilectus et fidelis consanguineus noster Thomas C. Marescallus et Nottingham habeat justum titulum hæreditariū ad portandum pro cresta sua unum Leopardum de auro cum uno Labello albo quæ de jure esset cresta filii Regis primogeniti, Rex concessit eidem Thomæ in feodo quod ipse pro differentia in ea parte deferre possit et deferat unum Leopardum et in loco Labelli unam Coronam de Argento.¹

WRIT OF HENRY V. REGULATING COAT-ARMOUR, 1418.

Rex Vicecomiti salutem, &c. Quia, prout informamur, diversi homines qui in viaggiis nostris ante hæc tempora factis, Arma & Tunicas Armorum vocat. Coat-Armours in se susceperunt, ubi nec ipsi nec eorum Antecessores hujusmodi Armis ac Tunicis Armorum temporibus retroactis usi fuerint, & ea in presenti viaggio nostro in proximo, Deo dante, faciend' exercere proponant; & quanquam Omnipotens suam gratiam disponat prout vult in naturalibus, equaliter Diviti & Pauperi; volentes tamen quemlibet Ligeorum nostrorum predictorum juxta statū sui exigentiam modo debito pertractari & haberi: Tibi precipimus, quod, in singulis locis intra Ballivam tuam, ubi per breve nostrum nuper premonst. faciendis proclamari facias, quod nullus cujuscunque statūs, gradūs, seu conditionis fuerit, hujusmodi Arma sive Tunicas Armorum in se sumat, nisi ipse jure antecessorio, vel ex donatione alicujus ad hoc sufficientem potestatem habentis, ea possideat aut possidere debeat. Et quod ipse Arma sive Tunicas illas ex cujus dono obtinet, die monstrationis sue, personis ad hoc per nos assignatis seu assignandis manifestè demonstret, exceptis illis qui nobiscum apud bellum de Agincourt arma portabant, sub pœnis non admissionis ad proficiendum in Viaggio predicto sub numero ipsius cum quo retentus existit, ac perditionis vadorum suorum ex causâ predictâ perceptorum, necnon rasura & ruptura dictorum Armorum & Tunicarum vocat. Coat-Armours, tempore monstrationis sue predicto, si ea super illum monstrata fuerint seu inventa. Et hoc nullatenus omittas. T. R. apud Civitatem Nov. Sarum, secundo die Junii.²

Per ipsum Regem.

Consimilia Brevia diriguntur Vicecomitibus Wilts, Sussex, Dorset, sub eadem data.

¹ Patent Roll, 17 Ric. II. m. 2.

² Claus. 5 Hen. v. m. 5. in dorso in turre Londinensi.

PROOFS OF THEIR GENEALOGICAL UTILITY.

“The antiquity of a church-window for the proof of a match and issue hath been delivered to a jury at an assize, and been accepted.”¹

“I know three families who have acquired estates by virtue of preserving the arms and escutcheons of their ancestors.”²

“The daughters of this second Lord Percy, by Idonea, his wife, were—1. Margaret, married Robert de Umfraville; 2. Isabel, wife of William de Aton; 3. Matilda, married to Lord Neville, of Raby; 4. Eleanor, wife of John Lord Fitzwalter. These 4 daughters are here arranged as they occur in the Bishop’s will, and, according to the order of their respective escutcheons, sculptured on the octagon towers which form the entrance into the inner ward of Alnwick castle; which towers were built by their father the second Lord Percy, of Alnwick, about the year 1350, and are ornamented with the following arms:—1. Tyson, 2. Vesey, 3. Clifford, 4. Percy, 5. Bohun, 6. Plantagenet, 7. England and France quarterly; 8. Warren, 9. Arundel, 10. Umfraville, 11. Percy, (Isabel, the second daughter, being probably not yet married) 12. Neville, 13. Fitzwalter.”³

In the Harleian MSS. is “the argument of the officers of arms against Sir Michael Blount, who endeavoured to prove himself heyre male of the bodye of Sir Walter, first Lord Mountjoy, from a glasse wyndowe,” &c.⁴

Amongst the evidence offered by the present Earl of Huntingdon to, and received by the Attorney General, in 1818, in support of his claim to the Peerage of Huntingdon, there was produced a very old armorial shield, emblazoned with the armorial ensigns and quarterings of the Earls of Huntingdon, quartered (impaled?) with those of Stanley, as evidence of the marriage of Henry 5th Earl of Huntingdon, with the daughter of Ferdinando Stanley, Earl of Derby.⁵

¹ Burton’s History of Leicestershire.—² Bigland on Parochial Registers, 1767.—³ Collins’ Peerage, title Northumberland.—⁴ Harl. MSS. 1386.—⁵ Huntingdon Peerage, p. 359.

THE SCOTCH ROLLS AND RECORDS.

1 RICHARD I.—1189.

TO

28 ELIZABETH.—1586.

THESE Rolls relate to transactions between England and Scotland, and contain particulars of those English engaged in conducting such transactions. It is material that they should not be mistaken for records originating in Scotland, and concerning that kingdom alone.

Notwithstanding the connection which, from very early times, subsisted between these nations, and the disputes and wars carried on between them, in respect to the several claims and rights demanded by each, no authentic instrument or record relative thereto, is of an earlier date than the reign of Richard I.,—the first instrument being a letter of Richard I., dated the 5th December, in the first year of his reign; from which period there is a series of treaties and documents, down to the treaty between Elizabeth and Mary, in 1586.

In the Tower are other Records, called the Scotch Rolls, commencing 19 Edw. I., and ending 22 Edw. IV., consisting of protections to individuals, grants of lands, offices, honours, privileges, perquisites, pardons, grants of the custody of castles, of presentations to churches, of summonses, of liberations from debts and prisons, of administrations of deceased's goods, of privileges of marriage, of privilege of testamentary disposition, of assigning dower, of receiving homage, and, in short, of so many other circumstances, that they cannot, from their number, be here enumerated.

A calendar of all the Scotch Rolls and Records here noticed, was printed with indexes, in 1774, at the expense of Sir Joseph Ayloffe, Baronet, with an historical introduction; and the Rolls themselves were in 1814 printed verbatim, and published in two folio volumes, by order of his Majesty's Commissioners on public Records.¹

¹ Mr. Dibdin in his *Library Companion* incorrectly states that Mr. Thomson was the Editor of this work: it was begun by Mr. Mackenzie, on whose death it was completed by Mr. Caley and Mr. Illingworth.

SPECIMENS OF THEM.

Rex Edwardus mandat quod warda vel Maritagium donetur Michaeli Scoto. A.D. 1291.

Rex et supior dñs regni Scotie veñabilibꝫ in x̄ro patribꝫ W' & R' eadem g̃ra Stī Andree et Glascuen' ep̃is et sociis suis custodibꝫ ejusdē regni saltm. Quia p̃ inspectōm quazdam littaz patentīū sigillis v̄ris p̃fati ep̃i n̄no et sigillis quořdā socioꝝ v̄ror p̃dtoꝝ signataꝝ nobis constat qđ vos in recompensatōm laboris quem Michēl Scotus p̃ cōi utilitate d̃ti regni eundo ad ptes Nōrwagie p̃ filia regis Norwagie dñā Scotie inde in trām Scotie conducenda eidem Michi de Maritagio seu warda competenti juxta condecencia status sui p̃ aliquo seu aliqua liboꝝ suoꝝ cum warda seu Maritagiū huj'modi ad regiā majestate accideret providere p̃misistis quā quidem p̃missionē occasione n̄ri differtis fače sicut dicit. Volentes p̃missionē illā effectui debito mancipare voꝛ mandañ qđ p̃fato Michi de warda seu maritagio huj'modi p̃videri faciatis juxta p̃missionē v̄ram p̃d̃tam. In cuj. &c. T. R. apud London iij die Decembr.

Protectio pro Johanne Spalding, Collectore decimæ, 1292.

Joh̃es de Spalding Canōicus Aberden' Collector decime & a sede ap̃lica in subsidiū t̄re s̄te concessa in Regno Scotie h̄et iras & de protect' dur' qm̄diu collectōi decime p̃d̃te intenderit.

T. ut supra (id est apud Berewyk sup Twed) xvj die Junii.

2 Edward II. *De Protectione.*

Joh̃es de Kyngeston qui in obs' & p̃ p̃ceptū & in ptibꝫ Scotie moram facit h̄et iras & de p̃tectōe usq' ad festum Pasche p̃ximo futur' duratur' cū claus' Volum^o et exceptis pres' &c.

T. R. apud Wyndes' xij die Julii P̃ ip̃m regem.

Bona et Catalla Galfridi Moubray Conceduntur Comitissæ de Marr, uxori suæ.

9 Edward III.

R. om̃ibꝫ ad quos, &c. Saltm. Volentes Isabelle Comitisse de Marr nunc ux̄ri Galfrī de Moubray que nup̃ audito rumore qđ Scoti ad invicem confederantes de guerra contra nos s'exerunt v̄sus ptes Angl' se traxerat et infra regnū n̄rm adhuc morat'. ad fidem n̄ram g̃ram fače sp̃alem Concessim^o ei om̃ia bona et Catalla que fuerunt p̃fati Galfrī ubicumq. infra regnū n̄rm existentia et que p̃ eo qđ ip̃m Galfr̄m d̃tis Scotis inimicis n̄ris dicit'. adhesisse capta sunt in manū n̄ram h̄end' de dono n̄ro in auxiliū sustentatōis sue. In cuj, &c.

T. R. apud Novū Castrū sup. Tynam xxij die Febr'. P̃ ip̃m R'et Cons'.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

No instance having come to my knowledge, where these records have been produced in open court, for the verification of a pedigree, I can refer only to the personal use which has been made of them for such purpose. Dugdale quotes them so constantly in his *Baronage*, that I am inclined to think he had copies of them; and it is clear that Elias Ashmole possessed transcripts, as such transcripts are still to be seen with his MSS. in the Bodleian Library. The particulars of some of the families who accompanied the King in his Scotch wars, especially of the northern families, are so extensive, that they serve almost as a diary. The accompanying extracts are from Dugdale's *Baronage*, and relate to the now extinct family of the Umfrevilles. I am not aware whether there are more or less references to the Scotch Rolls in the ensuing account of *their* family, than there are in Dugdale's account of *other* families. Umfreville was the first name I turned to.

"In 20 Edward I. Gilbert de Umfreville, being constituted¹ governor of the castles of Dundee and Forfar, and of the whole territory of Anegos, in Scotland, sent his precept² to the Bishops of S. Andrews and Glasgow, and other the guardians of the realm, for allowing him such costs and expences as he had been at in the defence of those places.

"I come now to Robert, son and successor to the before specified Gilbert. This Robert, in the lifetime of his father, scil. 31 Edw. I. was³ in the wars of Scotland." &c.

"He was afterwards constituted⁴ joint governor with the same Lords of that part of Scotland lying betwixt Barwicke upon Twede and the river of Forthe; as also⁵ of the Marches of Anandale, Carrick, and Galway. And in 4 Ed. II. had summons⁶ to fit himself with horse and arms, and to be at Rokesburgh upon the feast-day of S. Peter ad Vincula, thence to march with the King against the Scots.

"After this, in 11 Ed. II. he was appointed⁷ one of the Commissioners to treat with Robert de Brus and his complices, for a truce betwixt both realms.

"In 9 Ed. III. Gilbert (his son and heir) was again in the wars of Scotland.⁸

"In 14 Edward III. he was joyned in commission⁹ with Henry Lord Percy, and Ralph Lord Nevill, to treat and conclude a peace with the Scots; and in 16 Edward III. was¹⁰ again in the wars of Scotland. Furthermore, in 17 Ed. III. he was in commission with the Bishop of Durham¹¹ and others to see the truce then made to be well observed in all parts where the King's interest lay.

¹ Rot. Scoc. 20 Ed. I. m. 9.—² Rot. Scoc. 20 Ed. I. m. 9.—³ Rot. Scoc. 31 Ed. I. m. 10.
⁴ Rot. Scoc. 2 Ed. II. m. 14.—⁵ Rot. Scoc. 2 Ed. II. m. 14.—⁶ Rot. Scoc. 4 Ed. II. in dorso, m. 5.—⁷ Rot. Scoc. 11 Ed. II. m. 14.—⁸ Rot. Scoc. 9 Ed. III. m. 27.—⁹ Rot. Scoc. 14 Ed. III. m. 10.—¹⁰ Rot. Scoc. 16 Ed. III. m. 12.—¹¹ Rot. Scoc. 17 Ed. III. m. 4.

“ In 19 Ed. III. he was joyned in commission¹ with the Bishop of Carlisle and others, to see the truce with the Scots firmly kept in the Marches.

“ In 26 Ed. III. he was joined² with (certain) Lords in guarding the Marches of Scotland on the borders of Northumberland. In 30 Ed. III. he was commissioned with the then Bishop of Durham and some others, to treat with the Prelates and Nobles of Scotland, touching the redemption of David de Brus, still prisoner in England; as also touching a final peace betwixt both realms. In 41 Ed. III. he was again⁴ constituted one of the commissioners to survey the Marches of Scotland, and to treat with David de Brus and those of that nation touching satisfaction for such injuries as had been done by the subjects of either realm to each other, contrary to the articles and truce concluded on at Barwick, 3 Oct. An. 1357. And in 43 Edward III.⁵ he was again joyned in commission with the Bishop of Durham and others for guarding of the East Marches.

“ In 44 Ed. III.⁶ he was joyned in commission with the Bishop of Carlisle and others, for guarding the West Marches. So likewise the next year ensuing again⁷ with the Bishop of Durham and others, for the which commission was renewed to them in 46 Ed. III.⁸

“ Sir Robert de Umfraville, in 1 Hen. V. was employed as commissioner to treat and conclude with the commissioners of Robert Duke of Albani, then Regent of Scotland, touching the peace of both realms.”⁹

Numerous as are the references here made to the Scotch Rolls, in support of the pedigree of the Umfrevilles, it will appear, by a reference to the published copies, that a much greater quantity of information relative to this family, might have been extracted.

¹ Rot. Scoc. 19 Ed. III. m. 14.—² Rot. Scoc. 26 Ed. III. m. 5.—³ Rot. Scoc. 30 Ed. III. m. 6.—⁴ Rot. Scoc. 41 Ed. III. m. 5.—⁵ Rot. Scoc. 43 Ed. III. m. 2.—⁶ Rot. Scoc. 44 Ed. III. m. 41.—⁷ Rot. Scoc. 45 Ed. III. m. 2.—⁸ Rot. Scoc. 46 Ed. III. m. 1.—⁹ Rot. Scoc. 1 Hen. V. m. 4.

PLACITA.

6 RICHARD I.—1194.

TO

5 GEORGE IV.—1825.

OF THE CURIA REGIS	-	-	-	-	1194	to	1272
ASSIZE	-	-	-	-	1194		1483
FORESTS	-	-	-	-	1208		1685
CROWN	-	-	-	-	1225		1377
KING'S BENCH	-	-	-	-	1272		1825
COMMON PLEAS	-	-	-	-	1272		1825
EXCHEQUER	-	-	-	-	1272		1825
QUO WARRANTO	-	-	-	-	1273		1377
PARLIAMENT	-	-	-	-	1280		1321
MARSHALSEA	-	-	-	-	1283		1825
EXERCITUS	-	-	-	-	1295		1685
CHANCERY	-	-	-	-	1393		1825
ECCLESIASTICAL COURTS	-	-			1450		1825
STAR CHAMBER	-	-	-	-	1487		1640
COURT OF REQUESTS	-	-	-		1493		1641
COURT OF AUGMENTATIONS	-	-			1535		1553
COURT OF WARDS AND LIVERIES					1540		1645
COURT OF SURVEY	-	-	-	-	Henry VIII.		
BOARD OF GREEN CLOTH	-				Hen. VIII. Geo. IV.		

THE pleadings in our several courts, and the judgments thereon, have been preserved for many centuries, and are entered on Rolls, the greater part of which are called Placita Rolls; they give the most important information upon every subject, respecting which men wage legal war with each other, and among these subjects are most especially to be enumerated, the claims to lands, honours, and baronies. Hid in the dust of ages, not known to exist, or known at most to few besides their keepers, a great

part of the Placita was useless, until of late years, when the commissioners of public records brought them to light, and by the noble publications which they have given to the world of part of them, and the admirable indexes of persons and places, have fully justified the assertion in their preface, of their having been made, amongst other advantages, "serviceable to the genealogist and historian, for the proofs they contain of heirs, their ages, and pedigrees."

Although the nature of the suits or actions in our respective courts is essentially different ; yet, as far as the genealogist is concerned, the records of them alike contribute to his information ; and it would, perhaps, be difficult to name a family possessing hereditary property, which has passed a century without requiring the assistance of some court or courts of law or equity, during that period.

It will be seen on perusal of the foregoing list of pleadings still preserved, that many courts are no longer in existence ; and in our courts of common law the modern rolls of pleadings are not so regular with respect to their entries, or so valuable with respect to the contents of those entries, as the antient Rolls. On the latter were entered the pleadings of every cause, or of every important cause, and in general the judgments thereon ; and it was the practice in cases of difficulty, civil or criminal, to set down the reasons of the judgment in the record ; a practice which, as Lord Coke informs us, was continued till the reign of Edward III. ; but that practice having been disused, the rolls now contain the pleadings alone ; and the pleadings only in such actions as the attorneys employed therein, find it necessary to enter or enroll, for the sake of proceedings to be taken subsequently to the judgment ; and this in general is only requisite in the most insignificant actions.

It may avoid repetition, to take a slight view, in this place, of the advantages to be derived from the records of the pleadings in an Equity Court.

A great part of the proceedings in the Equity Courts, relate to affairs solely of a private family nature, as a dispute on a Will, or the want of a Will ; protection for Infants, Lunatics, Marriage Settlements of Wards of the Court, and the like. In all these cases (and of them our report books are full) we have the lineal succession of families, the particulars of the estates, with dates, names, localities and identities, clearly set out, corroborated by affidavits, interrogatories, depositions, answers filed of record, and

sworn to by all the parties answering, and accompanied with ulterior proceedings in the Master's Office, and not unfrequently attended with deposits of documents and title deeds.

Often a suit in Equity is for the purpose of the several heirs or next of kin proving themselves to be such, and then the family genealogy is investigated (possibly for two or three centuries) with great legal accuracy and genealogical nicety. In the claims to the estates of the late Duchess of Norfolk, the Scudamore pedigree was traced from the reign of the Tudors. Every known collateral branch was inserted; and the births, marriages, and deaths of nearly every individual, descending from every collateral branch for nine generations, were proved by registers, wills, inquisitions post mortem, and other documents. By nothing, but by a comparison of it with the printed histories of this family, can an idea be formed of its superiority over every Scudamore pedigree in the possession of the public.

Many thousand title deeds were brought into court in the suit and indexed; as was also a multitude of documents relating to the Scudamores and their connexions; and thus are the archives of Equity Courts often found to contain records and particulars of families, which are not now to be discovered in any other depository in the kingdom.

PLACITA OF THE CURIA REGIS.

6 RICHARD I.—1194.

TO

57 HENRY III.—1272.

It is stated in the return made by the keeper of the records in the Treasury of the court of the receipt of the Exchequer, pursuant to the order of the committee of the House of Commons in 1800; that there exist rolls of the Curia Regis for the reigns of Richard I., John, and Henry III., that it would be very difficult to give any distinct definition of them; but

that the proceedings recorded in them do not vary much in their nature ; that they respect civil suits between individuals, as the early proceedings in parliament chiefly did, except in the petitions, and in some instances, criminal cases.

The titles of these rolls are, in most instances, “ Placita coram Domino Rege et Consilio suo.”

The proceedings in these rolls of the Curia Regis were certainly in many instances at least, before the king himself in his council wherever he happened to be; and in one instance, in the 37th year of the reign of Henry III., when the king was in Gascoigne, the proceedings were before the Queen and the King's council. The title of the roll is “ Placita coram Dominâ Reginâ et Consilio Domini Regis.”

In these rolls of the Curia Regis, will be found matter interesting to the law, the history, and the customs of the country.

It will probably be difficult to decide now, when the proceedings in the Curia Regis finished, and the court of King's Bench and Common Pleas first sat as distinct and separate courts. In the old calendars, the rolls are called *of the Curia Regis*, to the end of Henry III.; and from 1 Edward I. *of the King's Bench and Common Pleas*; but this division is perhaps not accurate, as in King John's reign mixed titles are found on the rolls. A few rolls of the reign of Henry III. are said to be in the Tower.¹

A calendar of these rolls has been printed, and forms the first part of the volume containing the Index to the King's Bench Records, and mentioned in the ensuing pages.

¹ Ho. of Com. Report on Public Records, A. 1. a.

PLACITA OF ASSIZE.¹

 6 RICHARD I.—1194.

TO

23 EDWARD IV.—1483.

THE Assize Rolls contain the pleas before the Justices appointed to go iters through the realm, to determine pleas or causes within the several counties, saving to the subject their expense and trouble of resort to the Curia Regis. The justices itinerant were vested with great power and authority. They determined pleas of the crown and common pleas, in like manner as did the justices of the Curia Regis. They assessed taillages and aids, and admitted men to make conventions, fines, and oblatas in their several iters; and the rolls will be found to contain this description of information. They commence in the 6th of Richard I., and conclude with the reign of Edward IV. Excepting some placita belonging to the reigns of Hen. III., and Edw. I. and II., which are in the Tower, the records are at the Chapter House.

There is also in the Chapter House, Westminster, a bag containing assize rolls of Guernsey and Jersey in the reigns of Edward I., II., and III.

The names of many hundreds of the early justices of assize may be seen in Madox's history of the Exchequer.

In the Inner Temple Library are "Placita de Juratis et Assisis apud Wigorn, Salop, et Novum Castrum super Tynam" of the reign of Edward I.

In the Bodleian Library are Placita de Assisis of the reign of Edward II.

In the Harleian MSS.² is a book of Assizes of the reigns of Edward III. and Elizabeth.

The Dean and Chapter of Durham have records entitled "Assisa Capta Edwardi tertii apud Ebor. de tenentibus villæ de Hemingburgh Priori xiiii. Maii Anno Regni sui vicesimo."

¹ Ho. Com. Report on Public Records. Madox's Exchequer. — ² Harleian MSS. 5280, 4131.

In the Lincoln's Inn Library are Placita Assizæ of the reign of Edward I.; also from the 20th to the 45th of Edward III., and of the 8th Henry IV., fairly written, and in hands coeval with the dates to which they respectively refer.

PLACITA OF THE FORESTS.

10 JOHN.—1208.

TO

37 CHARLES II.—1685.

IN the Chapter House, Westminster, are perambulations and proceedings relating to the forests, from 10 John, 1208, to the end of Edward III. 1377.

There are also the proceedings before the Lieutenants of the Chief Justice in Eyre, of the forests north of Trent, in 30 and 31 Henry VIII.

Also claims, perambulations, and various proceedings before the Chief Justice in Eyre, on this side Trent, at justice seats held in the New Forest Hants, and Waltham Forest in Essex, in the reign of Charles II., since which no justice seat has been held in any forest.

A bundle of perambulations, 17 Charles I. is in the Petty Bag Office.

There are some distinct rolls of perambulations of forests in the reigns of Edward I. and Henry III. in the Tower. To these there is a complete Index; but the perambulations are generally entered upon the Patent Rolls, and occasionally upon the Claus Rolls.

The forest claims before the Justices in Eyre, in the time of Charles I., shew the particular liberties, privileges, and immunities, of each claimant; to which a general Index Virorum et Locorum has been made.

In the Chapter House are also claims, perambulations, presentments, &c. in the counties of Southampton, Stafford, Surrey, Sussex, Worcester, and Wilts, from Edward I. to Charles II.

In the British Museum are Placita Forestæ de Sherewood, from 8 Ed. III. to the time of Henry VI.¹

¹ Harleian MSS. 4954.

PLACITA OF THE CROWN.¹

10 HENRY III.—1225.

TO

51 EDWARD III.—1377.

THE pleas of the Crown are at the Chapter House, Westminster, and are in date from the 10 Henry III. to the end of Edward III.; since which period, Lord Chief Justice Hale states, pleadings and judgments upon franchises and liberties have not been before justices itinerant, but in the King's Bench or Exchequer; and are respectively entered upon the King's Bench Rolls, or Memoranda of the Exchequer. In the Lincoln's Inn Library are transcripts of Placita for the reign of Edward III.; and in the British Museum, Placita from the 38 to the 43 Edward III.,² and some others.

PLACITA OF THE KING'S BENCH.

I EDWARD I.—1272.

TO

5 GEORGE IV.—1825.

THE Placita of the Curia Regis having been fixed as extending no later than to the end of the reign of Henry III., 1272, it is consequently from that period we must date the commencement of the rolls of the King's Bench, which have been continued, and are in preservation from the 1 Edward I. to the present day. They are to be found at the Chapter House, Westminster, down to the reign of Henry VI. For all successive

¹ Ho. Com. Report on Public Records.—² Harleian MSS. 5088.

reigns they are preserved at the Treasury of the Court of King's Bench, adjoining Westminster Hall.

In the year 1800, the House of Commons ordered that the Calendars and Indexes to the Records of the Court of King's Bench, from 1 Edw. I. to 18 Edw. I., and of the *Placita Exercitus* 24 Edward I., which said Calendars and Indexes are preserved, together with the said Records, in the Chapter House at Westminster, should be printed.

This has been done down to the end of the reign of Edward II., with Indexes of things, of names, and of places; and the orders of the House of Commons have been more than fully attended to in one respect, as the published Index commences with the reign of Richard I., the third king prior to Edward I., who was the sovereign named by the House, from whose reign the calendar should commence.

But as it was difficult to decide when the proceedings in the *Curia Regis* finished, and the component branches of that court became distinct, and permanently severed, the whole of the work was printed in 1811, under the title of "*Placitorum in Domo Capitulari Westmonasteriensi asservatorum Abbreviatio Temp. Regum Ric. I. Johann. Hen. III. Edw. I. Edw. II.*"¹

In the Lincoln's Inn Library are *Placita* for the reigns of John, Edward I., III., Richard II., and Henry IV. In the Harleian MSS. are *Placita* from the reign of John to that of Edward III., both inclusive:² and for the reigns of Elizabeth and James I. In the Middle Temple Library is a book called "*Placita coram Rege temp. Edw. I.*," containing a short statement of the proceedings and judgments in that king's court, in the several years of his reign. In the Inner Temple Library are "*Placita coram Rege*" of the reigns of Edward I., II., and III.; and "*Placita temporibus Johannis, Edw. I., Edw. II., et Edw. III.*" In the Bodleian Library are *Placita* of the reigns of Mary and Elizabeth.

¹ Ho. Com. Report on Public Records. *Placitorum Abbreviatio.*—² Harl. MSS. 88, 94, 294, 673, 4286, 363, 4779, 6682, 6683.

PLACITA OF THE COMMON PLEAS.¹

1 EDWARD I.—1272.

TO

5 GEORGE IV.—1825.

IT was forbidden by the great charter of Henry III. for *Common Pleas* thenceforth to follow the King's Court, and it was ordained that they should be held in a certain place, to wit, the *Bank*.

This was probably the origin of the court; although the rolls, containing the early pleadings of this court, are with those of the Curia Regis; and, as has already been remarked, it is difficult to say when the courts became separate. They are all, however, in the Chapter House, Westminster, down to the end of Henry VII., some few terms excepted. Thence they are in the Treasury of the Common Pleas, at Westminster. Copies of the Placita for the reigns of Edward I. and III. are in the Lincoln's Inn Library. The three prothonotaries of the court have docket-rolls containing the nature of the pleadings, description of actions, counties in which the venues are laid, names of the parties and their attornies, from 1 Henry VIII., 3 Edward VI., and 2 Elizabeth, respectively, to the present time. The number of these rolls, down to the year 1770, is about 23,000.

They have also books of common judgments, from 3 Charles I.; of special judgments, and of nisi prius records, from 14 Charles II.; and of entries on the rolls, from 12 Anne; all of which, though not considered as records, are of great moment in cases where the entries on the rolls carried into the Treasury are not completed.

In this court it is the practice to file the declarations and pleadings in all actions; and they are to be found at the Prothonotaries' office.

At the Essoign office are parchment books, wherein are entered, in alphabetical order, by the defendant's surname, pursuant to the statute 4th and 5th William and Mary, a docket of all the final judgments entered in the Court of Common Pleas.

¹ Ho. Com. Rep. on Public Records chiefly.

PLACITA OF THE EXCHEQUER.¹

1 EDWARD I. — 1272.

TO

5 GEORGE IV. — 1825.

IN the King's Remembrancer's Office at the Exchequer, are Bills, Informations, Pleas, Depositions, Orders and Decrees of the Court of Exchequer, from the 1st of Elizabeth to this time.

On the Antient Memoranda Rolls, are Entries of a great variety of Pleadings relating to the Revenues and Estates of the Nobility and Gentry, with the Judgments of the Court thereon.

In Mr. Madox's valuable collections in the British Museum, are Bills and Answers, from the time of Edward I. to 28 Henry VIII., but not in regular order.²

The Clerk of the Pleas of the Court of Exchequer has in his preservation Rolls containing the Pleadings between Parties, and the Judgments of the Court thereon, Judgments on Warrants of Attorney, Books of the Execution of Writs of Enquiry, Files of Writs, Bills or Declarations, Bail Pieces, Affidavits of Debts, and Books of Appearances of the Defendants; some of them (including the most material) commencing as early as the reign of Edward I.

In the Inner Temple Library is an Index of the Orders, Decrees, and Inrolments of the Court, from the reign of Edward I. to that of George III.

The late Adam Martin, Esq., one of the Six Clerks of the Court of Exchequer, prepared an Index to various Repertories, Books of Orders, Decrees, and other Records, preserved in the Court of Exchequer, from the reign of Edward I., which he presented to the Society of the Inner Temple, for their library, where it was deposited on his death in 1783; and, with the view of making it more extensively useful, the Society published it in 1819.³

¹ Ho. Com. Report on Public Records, 1800.—² Ayscough's Index, 4500, 4508, 4539 to 4541.—³ Martin's Index to Exchequer Records, 1819.

PLACITA DE QUO WARRANTO.¹

2 EDWARD I. — 1273.

TO

51 EDWARD III.—1377.

IT will be seen, by a reference to the title “Hundred Rolls,” that Edward I., on returning from the Holy Land, discovered certain frauds in the revenues of the crown, and various oppressions of the people: in consequence of which, commissioners were appointed to inquire into them particularly, which inquiries or inquisitions were entered on Rolls, called The Hundred Rolls: these were returned into His Majesty’s Exchequer, and from them the crown was furnished with evidence, upon the oath of a jury selected from each hundred and town in every county, of (*inter alia*) all the crown lands, the tenants then holding the same, how alienated; and also of all Wardships, Marriages, Escheats, Suits and Services, withholden from the King. In consequence of these returns, the statute of Gloucester was (6 Edward I.) enacted, and the parties were summoned to answer “Quo Warranto” such a thing was done? left undone? property held? &c.

The Rolls of the Pleadings in answer to these summonses, and of the Judgments thereon, are called The Placita de Quo Warranto: they are of the reigns of Edward I., II., and III.; and of great value and utility, especially to the genealogist, as including, among other information, the various families or various members of the same family, through whom Manors, Advowsons, and property from the earliest period, have descended. They contain the boundaries of many free chases, free warrens, and fisheries, and the allowance in eyre of various franchises and liberties: in them are also many royal charters, both to ecclesiastical and lay corporations, not to be elsewhere found on record; many obscure passages and obsolete words in charters are explained; and much learning illustrative of the laws and customs of the country, both useful and interesting to the lawyer and anti-

¹ Ho. Com. Report on Public Records. Plac. de Quo Warranto as printed, and Introduction.

quary, will be found dispersed throughout the work. They are frequently referred to in our courts of law.

The Rolls are preserved at the Chapter House, Westminster; and those for the counties of Durham, Chester, Leicester, and Worcester, are alone missing. Parliament, some few years since, ordered the publication of those in the Chapter House; and one folio volume of them has been printed, under the title of “*Placita de Quo Warranto temporibus Edw. I. II. III. In Curia Receptæ Scaccarii Westm. asservata.*” There are excellent Indexes locorum et nominum.

PLACITA OF PARLIAMENT.¹

8 EDWARD I. — 1280.

TO

14 EDWARD II.—1321.

THE early pleadings in parliament are entered on rolls, called *Placita Parliamentaria*. The practice of entering the *Placita* on separate rolls, was discontinued in 1321, when they were recorded on the *Rolls of Parliament*, together with other parliamentary proceedings.²

The original *Placita Parliamentaria* are at the Chapter House, Westminster: a transcript of coeval date, called the *Vetus Codex*, is at the Tower. It is a folio book: from this copy, Ryley, who was a clerk in the Record Office, published the *Placita* in 1661, in one volume folio.²

There are some transcripts of the *Placita Parliamentaria* in the British Museum.³

¹ Introduction to Jones's Index to Records.—² Personal Inquiries.—³ Lansdowne MSS. 526 to 530.

PLACITA OF THE MARSHAL'S COURT (AULÆ.¹)

12 EDWARD I.—1283.

TO

5 GEORGE IV.—1825.

THESE Rolls are at the Chapter House, Westminster: they contain the proceedings in the Marshalsea Court, in which the Lord Steward and the Earl Marshal presided, of suits within the verge of the court. The bag contains Rolls of 12 Edward I., 10 and 11 Edward II., and of several years from 15 to 32 Edward III.

The Roll 10 Edward II. is entitled "*Placita Aulæ Domini Regis apud Ebor', coram Domino Wilhelmo de Monte-acuto Senescallo Hospitii Domini Regis et Domino Johanne de Weston Locum tenente Thom. de Brotherton Comitibus Norff' et Suff' Marescal' Angliæ, Die Mercurii prox' post festum Sancti Clementis Papæ A^o. Regni Regis Edⁱ. filii Regis Edⁱ. decimo.*" And in the same roll are "*Placita apud Sitoby, Blid, Clipston, Nottingham, Lotterworth, Daventr', Brakeley, Oxon, London, Sar', Andover, Westm', Wyndesore, Staines, Sanct' Dunstanum infra Barram novi Templi London, Tame, et Woodstock.*"

In this court the Marshal had various duties to perform. It is plain, by the title to the roll, he was one of the judges who presided; and in Rot. 1. a party at York was attached for an offence within the verge. "*Et preceptum est Marescallo quod venire fac' coram Senescallo;*" and afterwards, upon a hearing, "*Et ipse comit' Marescal' Custod' quousque,*" &c.

In the Cottonian MSS.² is an original Placita Roll of one cause in 1347, as also a quantity of valuable documents relating to the office of the Marshal.

In the Bodleian Library are some "*Proceedings of the Court of Verge, belonging to the palace of Saint James originally.*"

The modern Marshalsea and Palace Courts exist in virtue of letters

¹ Ho. Com. Rep. on Pub. Rec.—² Titus C. 1.

patent granted by Charles II.; and their public records consist of the several pleadings in actions at law, recorded on rolls of parchment, and books of entries thereof, from that king's reign, which are with the prothonotary of the court.

PLACITA EXERCITUS REGIS.¹

24 EDWARD I.—1295.

TO

37 CHARLES II.—1685.

THE proceedings of this Court appear to have been had under the authority of the high constable and marshal of England, and before the latter; but the title of the roll does not point out who presided in the Court. The Court is called by Lord Coke and others, the Court of Chivalry. There is only one roll of the Court, which is preserved at the Chapter House, Westminster. It contains the pleadings which began at Werke, in Northumberland, and continued as the army of Edward I. proceeded through Scotland, by Roxburgh, to Edinburgh, thence to Aberdeen, and back to Berwick, where they end.

The proceedings are not confined entirely to the army and the followers of it, such as sutlers, &c. A Scotch priest was attached for excommunicating, by bell and candle, the King of England, in Scotland, when he invaded it. In the criminal cases there was certainly a jury; for these expressions occur on the roll: "*Ideo fiat inde Jur' tam de curia Domini Regis quam de exercitu,*" &c. "*Et Juratores dicunt super sacramentum,*" &c.

There certainly were more records of this sort, from the following passage on the Patent Roll²: "*Et habita super premissis deliberatione per eosdem de concilio concordatum est quod iterum scrutentur Liber de feo-*

¹ Ho. Com. Rep. on Pub. Records.—² Pat. 15 Ed. III. Part III. m. 12 a.

dis, Rotuli, et alia Vetera Memoranda hujus Scaccarii hujusmodi America-menta tangentia, nec non Rotuli Marescalciæ tam de exercitibus Regis nunc, quam Progenitorum suorum." The present existence of these records is, however, now unknown.

The marshal appears to have had various duties to perform, besides sitting as judge, in the court. A party not appearing, the entry is "Et fuit attach. per Marescallum, ideo in misericordia." A party was attached, "Et condonatur per Marescallum." A party was attached to answer to the Marshal, "qui venit et ponit se in misericordia Marescalli per plevinam," &c. A party was attached to answer, &c. "de quo placito habuit licentiam concordandi salvo jure Marescalli." Parties were attached, "Et super hoc per Marescallum inculpati dicunt." A party attached, "Condonatur per Marescallum in plena curia." Another, "ad respondendum Marescallo pro transgressione facta in exercitu Domini Regis."

By the statute 8 Richard II. it is enacted, that all pleas and suits touching the common law, and which ought to be examined and discussed at the common law, shall not thereafter be drawn or holden by any means before the constable and marshal; but that the court of the constable and marshal shall have that which belongeth to the same court, as in the time of King Edward.

In the Parliament 21 Richard II., on the accusation of the Duke of Hereford against the Duke of Norfolk, an order was made "q'e la processe et la determination de les matiers suisditz tiendroit la cours de la ley de Chevalerie," &c.; after which, battle was ordained between the said Dukes. On a further day given, battle was joined between them; notwithstanding which, for causes stated, the king took the battle into his own hands; and judgment was given in parliament between the two Dukes.

The latest instance of this sort was at a court held by the constable and marshal in 7 Charles I., when a duel was ordered to take place between Lord Rea and Mr. Ramsey; but that order was afterwards countermanded. The proceedings are in the Bodleian Library.

In the College of Arms are some books, called the Earl Marshal's books, containing a few proceedings in the Earl Marshal's court, from the time of Elizabeth to that of Charles II. inclusive; and in the Lincoln's Inn Library is a collection of cases of duel, which seems to come down only to

the reign of Henry VI. and to be chiefly taken from the records in the Tower.

CHANCERY PLACITA.¹

17 RICHARD II.—1393.

TO

5 GEORGE IV.—1825.

THE nature and jurisdiction of this court are so generally known, that it cannot be necessary to say more of it, even for the information of the most unacquainted, than that the proceedings are by bill of complaint filed, by answers (the truth of which is sworn to) also filed, and that the evidence is by affidavits, likewise filed, overt testimony not being admissible.

The searches of late years made for public records, have fortunately brought to light proceedings in this court not previously known to exist, and there are now in the Tower the bills and answers, from the 17th year of the reign of King Richard II.,² to the end of that of Queen Anne. The greater part of these are indexed with the names of the plaintiffs and defendants; and an additional index was some years since commenced, of the names of places, and an abstract of the subject-matter of each suit.

From 1714 to the present time, the Chancery proceedings are kept by the Six Clerks in Chancery-lane. When the records become too voluminous for their custody, they are transferred to the Tower. The Index books of the Six Clerks commence, nevertheless, two centuries since.

The Six Clerks also possess a quantity of depositions in various causes, from the year 1600, which are sealed up, and have never been published.

The Examiners in Chancery possess the interrogatories, depositions, and examinations of witnesses in the Chancery suits, from about 1726 to the

¹ Ho. Com. Rep. on Public Records; 1800. Personal Inquiries.—² Nicolson in his *English Historical Library*, Maitland in his *History of London*, and other writers, have stated with but little variation, that “most of the Chancery Records were in an outrageous manner burned and destroyed by the rebels under Wat Tyler, in Richard the Second’s time.” The rebellion was in the 5th year of the King’s reign.

present time, those of an antecedent period having been transferred to the Tower in 1810 ; and at the Report Office are the entries of the decrees and orders of the Court, and of the reports of the Masters in Chancery, from 1590 to this day.

The Affidavit Office has preserved the affidavits from 1632 to the present time ; to which there are indexes, excepting for a few years.

The Judgment or Decree rolls at the Rolls Chapel contain the decrees and dismissions of the Court of Chancery, from about the 25th Henry VIII., to the 6th George III., since which time few inrolments have been brought in.

A calendar of the Chancery proceedings in the reign of Queen Elizabeth, which are in the Tower, is preparing for publication ; the first volume is already printed, and is prefaced with many curious examples of much earlier bills and answers in that court. The calendar contains, in separate columns, the plaintiffs' and defendants' names, the object of the suit, the particulars of the property in dispute, and the county in which it is situated ; and to this are indexes of names and places.

PLACITA OF THE ECCLESIASTICAL COURTS.¹

28 HENRY VI.—1450.

TO

5 GEORGE IV.—1825.

THE Ecclesiastical authorities of this country have many courts under their dominion, which are dispersed in the several dioceses of England, and in which courts cognizance is had of many matters important to the genealogist, inasmuch as they most generally relate to the validity of wills or marriages. The earliest judicial proceedings preserved in any consistory court are of the year 1450, in the courts of York, and of Lichfield and Coventry. The records of these courts are generally, if not invariably, at the Registry for the diocese, either in the cathedrals, the episcopal palaces, or in

¹ Ho. Com. Rep. on Public Records.

their immediate vicinity. The records of the Court of Arches of the Archbishop of Canterbury, and of the Court of Delegates, commence in 1660 and 1666, and are preserved at Doctors' Commons.

STAR CHAMBER PLACITA AND RECORDS.¹

3 HENRY VII.—1487.

TO

16 CHARLES I.—1640.

SUCH as remain of the bills, answers, depositions, and other proceedings in this court, from the 3 Henry VII., when it was established, to the 16 Charles I., when it was abolished, are at the Chapter House, Westminster.

The original decrees are not now to be found. Copies of many of them, and other Star Chamber documents,² are in the Harleian MSS. in the British Museum. In Rushworth's Collections, vol. ii. are the proceedings and decrees in one case, and in the Appendix several decrees. There are also proceedings, reports, and collections relative to the Star Chamber, in the Auditor's Office of the Land Revenue, in the Inner Temple, and Cambridge University libraries, and in the State Paper Office, and Pepysian library.³ Some few judgments and other proceedings, removed by Certiorari, are in the Rolls chapel.

Those at the Chapter House are of the reigns of Henry VII., VIII., Edward VI., and Elizabeth: the latter are the most perfect. Indexes have of late years been made to these, as there is much useful matter respecting property in the depositions.

In the Bodleian library are two volumes of cases in the Star Chamber, temp. Car. I.; and many of the books of law reports have interesting genealogical cases, which have been determined in this court.

¹ Ho. Com. Rep. on Public Records, and Calendars of Public Libraries.—² Harl. MSS. 6811, 2143, 1330, 4022, 4130, 6265; Ayscough's Catalogue, 4521.—³ Decrees of the Court, from Ed. VI. to 8 Jac. I.

PLACITA OF THE COURT OF REQUESTS, OR OF
WHITEHALL.

9 HENRY VII.—1493.

TO

17 CHARLES I.—1641.

THIS Court had its commencement in the 9 of Henry VII., and the proceedings in it ended probably with those of the Star Chamber, 17 Charles I.

The Lord Privy Seal presided, assisted by the Master of the Requests. Its jurisdiction, as a court of Equity, was contested in the 40 Elizabeth; and it was adjudged by the Common Pleas, that the court had no power of judicature.

The office of Master of the Requests continued till after the Restoration, when it ceased, as it had become of no value.

The proceedings from its origin to its discontinuance, are in the Chapter House; and there are two books of judicial proceedings, from 1639 to 1640, at the office of Privy Seal.¹ In the Lansdowne collection of MSS. are some Extracts from old Registers in the Court of Requests, of the names of counsellors who heard causes in that Court from the reign of Henry VII. to the 12 of Elizabeth.²

¹ Ho. Com. Rep. on Public Records. — ² Lansdowne MSS. 12.

PLACITA AND RECORDS OF THE COURT OF AUGMENTATIONS.¹

27 HENRY VIII.—1535.

TO

1 MARY — 1555.

THIS Court has been previously incidentally noticed ; it was established 27 Henry VIII. 1535, under the title of the Court of the Augmentation of the Revenues of the Crown, for the purpose (*inter alia*) of determining disputes respecting lands and possessions belonging to the Crown by reason of the dissolution of religious houses.

It continued in existence until the 1 Mary 1553, when most of the possessions vested in the Crown having been given away, the court was by act of parliament dissolved, and the jurisdiction and records annexed to those of the court of Exchequer.

Since this time, the office has been denominated the Augmentation Office. The records are very numerous and valuable, comprising not only the bills, answers, replications, rejoinders, and depositions of witnesses, some of the decrees of the Court, and the leases by the Crown, from its establishment to its dissolution, but many of the original deeds, charters, evidences and records theretofore belonging to the dissolved religious institutions.

This office also contains a quantity of valuable records and accounts, which have from time to time been placed there by the officers of the Crown, as in a place of security for the benefit of the public. Of these, some are peculiarly connected with genealogical researches, and they are noticed in these pages under other titles.

Many books of the decrees and leases of this court, are in the King's Remembrancer's Office. Several volumes of the proceedings of the court, as

¹ Ho. Com. Rep. on Public Records.—Personal Inquiries.

well as of documents formerly believed to have been placed there, are in the British Museum :¹ especially an account of the manors, lands, and tenements that fell to Henry VIII. through exchange, purchase, or otherwise, before the court of Augmentation was erected, from the 3d year of his reign.

In the Lambeth library, is an index to antient deeds, charters, and other instruments remaining in the Augmentation office.²

PLACITA AND RECORDS OF THE COURT OF WARDS AND LIVERIES.³

32 HENRY VIII.—1540.

TO

20 CHARLES I. — 1645.

It has been stated under the title *Inquisitions post mortem*, that they were consequent upon the feudal system ; and although they had so remote an origin, they were made an engine of the greatest oppression by Henry VII., whose creatures Empson and Dudley compelled many persons to sue out livery from the Crown, who were by no means tenants thereto.

To remedy this grievance, the Court of Wards and Liveries was instituted by act of Parliament in 32 Henry VIII., and lasted until the troubles in 1645. In 1660 it was dissolved by statute, which recited, that “ the court “ and the tenures, by knight service, had been much more burthensome, “ grievous, and prejudicial to the kingdom, than beneficial to the King ; “ and that the intermission of the court had been from the 24th day “ of February 1645.”

The proceedings of the court were by bill and answer ; its records contain also the *inquisitions post mortem* occurring during its existence. The de-

¹ Harl. MSS. 600, 605, 606, 607, 608, 701. Lansdowne MSS. 16, 55. Ayscough's Index, 4533.—² Lambeth Catalogue, p. 270.—³ Ho. Com. Rep. on Public Records.

crees of the judges are preserved at the Chapter House, Westminster Abbey ; and amongst them are a great number of title-deeds¹ brought into the Court while the proprietors of the estates to which they relate were in wardship ; from these deeds also, the most unimpeachable evidence of descent may be obtained ; and it was stated by the commissioners appointed to enquire into the public records of the kingdom, in their report to the parliament in 1800, that if the owners of these estates could now be ascertained, it might perhaps be desirable to return to each, such deeds as related to his property.

In the public library at Cambridge, are several collections of decrees, and reports of the cases of this court. In the Harleian MSS. are many collections of cases, orders, &c. relating to wards of this court, extracted from the records by Thomas Cole and others.² In the Lansdowne MSS.³ are abstracts of the decrees in the court, from 7 Edward VI. (1553) to the 23 Elizabeth, (1580) the originals of which are said not to be at present found.

Of so much importance (in genealogical matters) are the records of this court, both as to the rank of the persons they concern, and the information to be derived from them, that an endeavour was made by Dethick, York herald, in 1584, to establish an office in the Court of Ward and Liveries, for enrolling and registering the descent of the wards.⁴

COURT OF SURVEY.

In the Exchequer are the Bills and Answers of the Court of Survey of the time of Henry VIII.

BOARD OF GREEN CLOTH.

This Board had the power of trying treasons within the limits of the Court : Here likewise (and not in Chancery) were inrolled all letters and writings concerning such matters of state as were not fit to be made vulgar.⁴ The records preserved at this Board, which is in St. James's Palace, commence in the reign of Henry VIII. and consist of orders for the government of the king's establishments, the particulars of such establishments and their expenditures, warrants and certificates of the Household, and proceedings in the Court of Virge from 1676 to the present reign.⁵

¹ As to these Deeds see post, p. 269.—² Harleian MSS. 736, 756, 757, 758, 759, 760, 1588, 1727.—³ Lansdowne MSS. 606, 607.—Lansdowne MSS. 43, 27.—⁴ Harleian MSS. 304, 293.—⁵ Nicolson's English Library, p. 133.—⁶ Report on Public Records, 1800, p. 78.

SPECIMEN OF A PLACITA ROLL OF THE KING'S BENCH.

3 EDWARD II.

Shewing several descents of the Mortimer and Chauncy Families.

Lincoln: Wiſſs de Mortuo Mari de Dunesby suū fuit ad respondenđ dño Regi de pñto qđ pmitat ipm Regē p̄sentare Idoneam psonā ad eccliam de Bonyngworth que vacat et ad suam spectat donaōem rōne terraz et teñ que fuerint Phī de Chauncy qui de ipō Rege tenuit in capite in manu sua existiū, &c. Et unde Nichs de Hugate qui sequit'. p ipō Rege dicit, qđ p̄dēs Wiſſs ipm dñm Regem injuste impedit p̄sentare ad eandem Eccliam quia dicit qđ mañia de Bonyngworth et de Scrayfield cū Advocacōibz eccliaꝝ eorund' mañioꝝ aliquo t̄pre fuerint in seisina cuj' dam Galfri de Bonyngworth qui quidā Galfri dēa mañia cū advocacōibz eccliaꝝ eaꝛdē dedit Joñi de Baa cū quadam Phā filia ejusdem Galfri et hēdibz suis de corporibz suis legē p̄creatis. Et si obierint sine hēde de corporibz suis, &c. tū p̄dēa mañia cū advocacōibz dēaꝝ eccliar' p̄dēo Galfro et hēdibz suis integre reverterent'. &c. Et idem Joñes de Baa qui tenuit dēa mañia cū advocacōibz eccliaꝝ p̄dēaꝝ in forma p̄dēa p̄sentavit ad p̄dēam eccliam de Benyngworth quondā Robt̄m de Nekaton c̄ticum suū qui ad p̄sentacōem suam fuit admissus et institut' in ead: &c. p cuj' mortē p̄dēa ecclia modo vacat, &c. Et quia p̄dēi Joñes de Baa et Phā ux. ejus obierunt sine hēde de corporibz suis, &c. p̄dēa mañia de Benyngworth et Scrayfeld cū advocacōibz eccliaꝝ p̄dēoꝝ mañioꝝ scđm formam feoffamenti p̄dēi p̄dēo Galfro reverterant'. Et quia idem Galfri postea obiit sine hēde et ē de se et descendebat jus p̄dēoꝝ mañioꝝ cū advocacōibz eccliaꝝ p̄dēaꝝ quibusdam Matild et Lucia ut sororibz et hēd' dēi Galfri de qua Matild exivit quidā Rogs de Mortuo Mari. Et de ipō Rogo p̄dēs Wiſſs de Mortuo Mari qui nūc dñm Regē impedit, &c. Et de p̄dēa Lucia exivit quidam Wiſſs de Chauncy. Et de ipō Wiſſo quidam Phs de Chauncy pat' Wiſſi de Chauncy nūc in custodia R̄gs existentis. Et in p̄dēm Wiſſm de Mortuo Mari nūc impediēte et p̄dēm Phm de Chauncy p̄rem p̄dēi hēd' in custodia R̄gs, &c. p̄dēa mañia de Benyngworth et Scrayfield cū Advocacōibz eccliaꝝ p̄tita fuerunt. Ita videlicet qđ mañium de Benyngworth ex^{te} sexaginta et nonē solidatis et octo denariis terre et reddiſ in Benyngworth assign' fuit in p̄ptem p̄dēi Wiſſi de Mortuo Mari et mañium de Scrayfield et sexaginta et nonē solidat' et octo deñ terre et reddiſ in Benyngworth assignat' fuerint in p̄ptem p̄dēi Phī de Chauncy p̄ris p̄dēi Wiſſi de Chauncy infra ætatē, &c. in custodia reg' existentis, &c. Et de advocacōe eccliaꝝ eorūdem mañioꝝ ita cōvenit in p̄ eos scilicet qđ p̄dēs Wiſſs de Mortuo Mari et hēdes sui in p̄ma vacacōe ecclie de Scrayfield ad eandem p̄sentarent. Et in scda vacacōne p̄dēs Phus et hēd' sui p̄sentarent ad eandem eccliam et sic alternati et successive, &c.

inposťum cū eandem vacare continget, &c. Et qđ pđt's Phūs et hēd' sui in pñia vacaťone eccl'ie de Benyngworth p'sentarent ad eandem et in sēda vacaťone ejusdem eccl'ie de Benyngworth pđs Wiťs de Mortuo Mari et hēd' sui p'sentarent ad eandē et sic alternati et successive in postūm, &c. rōne cujusdam convenťois ut supťm est ad iťm Regem adp'sens spectat p'sentare ad eccl'iam de Benyngworth rōne minoris etatis hēd' pđ'ti in custodia ejusdem R̄gs existentis. unde dicit q'd p hoc q'd pđt's Wiťs de Mortuo Mari dūm Regem impedit detiorat' est et dampnum hř ad valenč mill: L. Et hoc pať est vřificare p dño Rege, &c. Et pđs Wiťs p Johēm de Broughton attornatū suū venit et defendit vim et injuř qū &c. Et non potest dedicē qūm ad iťm Dñm Regē ptinet p'sentare hac vice ad pđtam eccl'iam rōne convenťois p'dte inť p'dťos Wiťm de Mortuo Mari et p'dťm Ph' de Chauncy přem pđ'ti hēd' in custodia R̄gs existent', &c. Idō cons' est q'd dñs Rex hēat brē Epō Linc: loci Dios' q'd nō obstante reclamať pđti Wiťi de Mortuo Mari ad p'sentato'em dñi Rg's ad pđtam Eccl'iam Idoneam p'sonā hac vice admittat, &c. Et p'dťs Wiťs in mĩa seč condonat' ad instantiā p'dťi Nichi cłici R̄gs ad dtām eccl'iam p'sentati, &c.¹

¹ Transcribed from the original Record, at the Chapter House, Westminster.

THEIR GENEALOGICAL UTILITY.

It was held by Lord Chief Justice Kenyon, in 1796, that a bill in Chancery could never be admitted in evidence, further than to show that such a bill did exist, and that certain facts were in issue between the parties, in order to let in the answer or depositions of witnesses.¹ And in 1799, his Lordship held the same doctrine, though with this material exception, if not contradiction, that a bill in Chancery by an ancestor, was evidence to prove a family pedigree stated therein, in the same manner as an inscription on a tombstone, or in a Bible.²

In the claim to the Banbury Peerage, heard before the House of Lords in 1809, counsel having offered certain depositions taken upon a bill filed in the Court of Chancery in 1640 in support of the Pedigree of the claimant, the opinion of the Judges was required upon various points; when they answered to the House (*inter alia*), that neither the bill in Equity, nor the depositions, would be received in evidence in the Courts below, on the trial of the Ejectment then in question, either as evidence of the facts therein deposed to, or as declarations respecting Pedigree: and that, generally speaking, a bill in Chancery could not be received as evidence in a court of law to prove any fact either alleged or denied in such bill as filed; but whether there might be put a case which would form an exception to such rule, they could not undertake to say.³

Notwithstanding these opinions, the Placita of the Court of Chancery, as well as of other courts, can never fail of being valued for the very important genealogical evidence they afford, whether legal or not: and the instances are not few where the Placita Records have been successfully referred to, and given as evidence in genealogical cases.

In the claim of Margaret Fenys to the Barony of Dacres, in the reign of Queen Elizabeth, several links of the claimant's Pedigree were proved by the Placita Rolls of Assize of Edward I., and by the King's Bench Placita of Edward III.⁴

In the year 1554, Edward Kynaston Esq., who claimed to be heir to the Barony of Powes, desirous of perpetuating the proofs and evidence of his right, filed a bill in Chancery against the Vernons, who were endeavouring to create false evidence, in which he set forth his Pedigree; and he afterwards examined witnesses, (two of whom had attained their respective ages of 100 years) *in perpetuam rei memoriam*: nearly two centuries afterwards, this evidence was made use of by his descendant, John Kynaston, in a renewal of the same claim; and the only evidences of the marriages of two of the parties in the Pedigree, were the Placita of the Queen's Bench for the years 1571, 1575, and 1590.⁵

¹ Doe dem. Bowerman v. Sybourn, 7 T. R.—² Temple v. Cole, 7 T. R.—³ Collins' Peerage, Edit. 1812. vol. ix. p. 493.—⁴ Collins on Baronies by Writ: title, Dacres.—⁵ Collins on Baronies by Writ: title, Powys.

In the claim of Katherine Bokenham to the Barony of Berners, in 1720, a bill in Chancery was produced to prove the marriage of Edmund Knyvett with Jane, daughter and sole heir of John Bouchier, Lord Barnesse, as also to prove the bastardy of the three sons of Lord Barnesse. A second bill in Chancery, of the date of 1704, was also produced and read in evidence, to prove (*inter alia*) the marriage of Elizabeth Knyvett with Thomas Glenham, and the birth of their son named Thomas.¹

In the claim of Charlotte Fitzgerald (in the year 1804) to the Barony of Roos, part of the evidence offered to and received by the Committee of the House of Lords, was an original bill and answer in Chancery of the year 1716, for the purpose of introducing the declaration on oath of the Countess Dowager of Ranelagh, with respect to the issue left by the Earl of Ranelagh her husband; and several other bills in Chancery were likewise given in evidence, for the purpose of introducing the declarations of persons of the family, relative to the state of the family in their answers to the said bills.²

In the report of Sir Arthur Piggott, his Majesty's attorney-general, on the claim of Charles Augustus Ellis to the Barony of Howard of Waldon in 1806, part of the evidence offered to him in support of the claimant's Pedigree, was a bill and an answer in Chancery with the decree thereon, which, he stated in his report, he considered as adequate evidence, because the bill having set forth the Pedigree, the answers not only did not controvert the heirship so stated, but the decree, in giving the plaintiffs liberty to bring an ejectment, directed the admission of such heirship.³

In the claim of Alexander Home, Esq. to the Earldom of Marchmont, in 1822, a decree of a Scotch Court against John Home, as *only lawful* son of Sir Andrew Home, was given in evidence before the committee of the House of Lords, to prove that Patrick Home, the youngest son of Sir Andrew, died before his father; and the marriage of a John Home was proved by the decree of separation and aliment, obtained by his wife against him.⁴

In the claim of Sir James Innes to the Dukedom of Roxburghe, in 1808, the committee of the House of Lords received a copy of a decree in a Scotch cause, to show that Henry and William Kerr died without issue.⁵

In the claim of William Fitzhardinge Berkeley to the Earldom of Berkeley, in 1811, a deposition made by the then late Earl of Berkeley, upon a bill filed in the Court of Chancery, for the purpose of perpetuating testimony of the legitimacy of the said claimant, was offered in evidence to the committee of the House of Lords, but was not allowed to be received in evidence.⁶

The House of Lords, in another Peerage case, refused to receive a decree of the Court of Chancery in evidence, because it was not accompanied with the bill and answer.⁷

¹ Collins on Baronies: title, Berners.—² Minutes of Evidence in the Roos Peerage, p. 293, 294.—³ Report of the Attorney-general, p. 36.—⁴ Minutes of Evidence in the Marchmont Peerage, p. 60, 47.—⁵ Minutes of Evidence in the Roxburghe Peerage, p. 116.—

⁶ Minutes of Evidence in the Berkeley Peerage, p. 8.—⁷ This reference has been mislaid.

CHARTER ROLLS.

1 JOHN — 1199.
TO
8 HENRY VIII.—1517.

THE Contents of the Charter Rolls¹ are grants of privileges to religious houses, to cities, towns, bodies corporate, and private trading companies belonging to those cities and towns; grants of markets, fairs, and free warrens; grants of creations of nobility, from the 11 Edward II. to the end of the reign of Edward IV; charters, creations of honour, and other grants of the Crown, which conclude with the words “Hiis Testibus,” &c.

These Rolls are kept at the Tower and Rolls chapel: the former repository contains those from 1199 to 1483, the end of the reign of Edward IV.; the remainder are at the Rolls. From the 9 Henry VIII. the entries have been made on the Patent Rolls. Extracts from the early half are in the Inner-Temple Library.

Parliament having ordered the calendars or indexes to these Rolls to be printed, a part of them has already been published from three volumes of indexes preserved in the Record-office, apparently written in the time of James I.

The names of the barons, and great men mentioned as witnesses to these Charters, are so numerous, that of themselves they form a very valuable body of evidence.

Among the Lansdowne Manuscripts in the British Museum, are Charter Rolls from 1 Richard III. (1483) with a particular table of contents;² also a calendar of the Charter Rolls of the time of Edward I.³

In the Bodleian Library are copies of some of the Charter Rolls, chiefly relating to Warwick,⁴ formerly the property of Dugdale; and other copies

¹ See Preface to the printed Calendar, 1803.—² Lansdowne MSS. 221.—³ Same, 860.—

⁴ Bodleian MSS. 6494.

of Charter Rolls from the reign of John to Edward IV. are said to be in the College of Arms.

The committee of the House of Lords, appointed to search into documents touching the dignity of a Peer of the Realm, have stated in their report, that they have had reason to doubt, in some cases, the fidelity of transcripts of charters on the Charter Rolls by Inspeximus.¹

¹ Peerage Report, p. 410.

SPECIMENS OF THEM.

Grant of the Castle of Arundell and Earldom of Sussex, temp. Hen. II.

“ H. Rex Angl' et Dux Normā et Acquitain et Coñ Andeg, archiep̃is, ep̃is, coñ, baron, justic, vic' ministris et fidelibus suis, tocius Angl' Franč, et Hibn, sal'tm. Sciatis me dedisse Wiffo comiti Arundell, castellum de Arundell, cum toto honore Arundelli, et cum om̃ib; pertineñ suis, tenend. sibi et heredibus suis, de me et de heredibus meis, in feodo et hereditate, et tertium denarium de placitis de Suthsex, unde comes est. Quare volo, et firmiter precipio, quod ipse, et heredes sui, hec predicta habeant et teneant, bene et in pace, et honorifice, et libere, et quiete, et hereditarie, in dominiis, et in militibus, in feodis, et in forestis, &c. &c. &c. cum omnibus libertatib; et liberis consuetudinib; predčo honori et castellarie pertinentibus, sicut Rex Avus meus honorem illum habuit, quando eum in suo dñio hñit, Teste &c.”¹

Grant of the Chancellorship of England for life, temp. Hen. III.

Henricus Dei gratia Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, Aquitaniæ, et Comes Andegaviæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, et omnibus Ballivis et fidelibus suis salutem. Sciatis nos concessisse et hac carta nostra confirmasse pro nobis et Heredibus nostris, Venerabili Patri Radulfo Cycestrensi Episcopo Cancellario nostro, Cancellariam Angliæ toto tempore vitæ suæ cum omnibus pertinentiis et liberis consuetudinibus ad prædictam Cancellariam pertinentibus. Quare volumus et firmiter præcipimus, pro nobis et heredibus nostris, quod prædictus Episcopus habeat ipsam Cancellariam toto tempore vitæ suæ, cum omnibus pertinentiis, libertatibus, et liberis consuetudinibus, ad prædictam Cancellariam pertinentibus, sicut prædictum est. Hiis Testibus, Venerabili patre p. Wintoniensi Episcopo, S. de Segreve Justiciario Angliæ, Petro de Ryval, Capeцерio Pict. Roberto Passelewe, Radulfo filio Nicholai, Godefrido de Craucumbe, Johanne filio Philippi, Galfrido Dispensatore, et aliis. Datum per manum nostram apud Westm. quarto die Maii anno regni nostri decimo septimo.²

¹ Charter Roll, 5 Edward III. where this entry appears, by Inspeximus. Transcribed from the House of Lords' Report on Peerages.—² Charter Roll, 17 Henry III. m. 9.

PROOFS OF THEIR GENEALOGICAL UTILITY.

IN the claim of Margaret Fenys to the Barony of Dacres, in the reign of Elizabeth, the possessions of Hubert de Vallibus, and their descent to his son Robert de Vallibus, (temp. Ric. I.) were proved by the Charter Rolls.¹

The committee of the House of Lords, appointed to search for records touching the dignity of a Peer of the Realm, had recourse to the Charter Rolls of the reigns of Henry III. and Edward I. to assist them in their endeavours to trace the descent of the Earldom of Arundel.²

In the claim of Charlotte Fitzgerald to the Barony of Roos, in 1804, the Charter Roll of Edward I., containing the Magna Charta of Henry III., was produced before the committee of the House of Lords, to show that the name of Robert de Ros was amongst the attestations; and the Charter Roll of John was also produced in furtherance of the petitioner's claim and descent.³

In the claim of Sir William Jerningham, in 1809, to the Barony of Stafford, the Charter Roll of the 25 Edward III., containing the letters patent of the creation of Ralph Stafford to be an Earl, was produced before the committee of the House of Lords, in support of the petitioner's claim.⁴

In the claim of Lewis Dymoke, Esq. to the Barony of Marmyon, in 1818, two Charter Rolls of Henry III. were produced before the committee of the House of Lords, in support of the petitioner's claim.⁵

In the claim of Sir John Shelley Sidney, Bart. to the Barony of De L'Isle, in 1824, the Charter Roll of the 21 Henry VI. was produced before the committee of the House of Lords, to prove the death of Margaret, the wife of Thomas de Berkeley, leaving Elizabeth wife of Richard Beauchamp, Earl of Warwick, her only child and heiress, who left issue three daughters, Margaret, Eleanor, and Elizabeth; that Margaret became wife of John Talbot, Earl of Shrewsbury, and had issue by him a son, Sir John Talbot, Knight; and the pedigree of the petitioner was further proved by the Charter Roll of the 15 Edward IV., which stated that Sir John Talbot left issue Thomas Talbot, his only son and heir, and two daughters, Elizabeth, the wife of Sir Edward Grey, Knight, and Margaret, the wife of Sir George Vine, Knight, and that the said Margaret afterwards died without issue.⁶

Sir William Dugdale, Arthur Collins Esq., and other genealogical writers, have made great use of the Charter Rolls, in nearly every antient pedigree which has been drawn up by them.⁷

¹ Collins on Baronies by Writ, p. 48.—² Peerage Report, p. 408.—³ Roos Peerage Minutes, p. 356.—⁴ Stafford Peerage Minutes, p. 41.—⁵ Marmyon Peerage Minutes, p. 485.—⁶ De L'Isle Peerage Minutes, p. 67, 73.—⁷ Vide Dugdale's Baronage, and Collins' Peerage and Baronetage.

LIBERATE ROLLS.

2 JOHN — 1200.

TO

8 HENRY V.—1420.

THESE are preserved at the Tower, in chronological arrangement. They contain precepts to the treasurer, and other great officers of the Exchequer, for payment of pensions, salaries, stipends, and various other expenses of the state and royal household; and occasionally writs to sheriffs for the delivery of lands, &c. which had been extended.

The earliest of them, particularly those of Henry the Third's reign, like the Close Rolls of the same period, form a most interesting species of record; but after the reign of Edward I. they become less interesting,¹ though to the genealogist, perhaps, equally useful.

Copies of those for the 5 Edward II., and for the 18, 21, 24, and 35 of Edward III., are among the Bodleian MSS.²

Collections from those of the reign of John, are in the British Museum.³

The quantity of important matter in these Records, may be estimated by the number of the Rolls, which appears from an old printed, as well as from an old MS., Calendar of Tower Records to be, 147.⁴

¹ Bayley's Tower of London, p. 222.—² Bodleian MSS. 7376.—³ Harleian MSS. 86.—

⁴ The Repertorie of Records, 1631.—Holmes' Calendar of Tower Records, Lansdowne MSS. 319.

SPECIMENS THEREOF.

Rex, &c. Willmo de Briosa salut: Mandamus tibi q^d liberes illi q̄ Galfrid: fil: Petr: Com: Essex tibi designaverit cū litteris suis patentibus, Com: Heref: cū Rotulis et brevibus et Castell: de Heref: et alia Castella de Com: Heref: quorū custodia habes cū instauro, &c. In cujus rei testimonium has litteras n̄ras patentes tibi transmissimus. Test: Will: Brierwer apud Milkesham xxvj die Octobr: p. Magrū Rad: de Stooke.¹

Rex Thesaur: et Camer: de Scaccar: &c. Liberate de Thesauro n̄ro x: li: Henrico de Bohune Com: Heref: de xx: li: quas hēre debet p: ann. noīe Com: ad duos terminos, &c.¹

Rex Maior: Winton: Salut: Mandamus tibi quod facias hēre presenti latori unū coo-
pctorū de viridi et cuniculis et unū pellicum de cuniculis et unā taxam de russeto cum
furrura de agnis et duas robas de russeto cum penula de agnis et xxx ulnas de linea
tela et tria paria hosarium et duo paria caligar' ad opus Galfridi filii n̄ri et Computabitur
tibi ad Scaccar: Teste me ipso apud Esseleg: xij Octobr.¹

Rex, &c. Vic: Oxon: &c. Precipimus tibi quod sine dilatione facias hēre dilect: et fideli
n̄ro Willm̄ de Cantelupo Senescallo n̄ro hered: Alani de Dunestavile qui est in custodia
m̄ris sue uxor. quondā p̄diti Alani. Et si ipsa hered: illum reddere noluer: sine dilatione
capias in manu n̄ra totā terrā quam ipsa habet et ipām terram liber: pfat: Willm̄ tenend:
donec p'sens heres ei sit redditus, &c.¹

Rex, &c. G: fil: P. &c. Mandamus vobis quod sine dilatione faciatis hēre dilecto et
fideli n̄ro Huberto de Burgo Camer. n̄ro plenariā seisinam de omnimodis terris et tene-
mentis que fuer: Walt̄r de Windsores, &c. 16 Novembr.²

Rex, &c. Vic: Hereford, &c. Liberate de firma tua de Wilton x: L: singulis annis ad
duos terminos, &c. Matild' que fuit uxor Henr' de Longo Campo quas ei assignavimus
de Manerio illo in dotem. Teste xix die Martii.³

Rex, &c. Galfrid' filio Petri, &c. Mandamus vobis q^d faciatis q^d Ascelina Guaterville
recipiat dilectū n̄rm Petrum de Riparia in maritū quia volumus q^d hoc faciat et si hoc
noluerit et ipsa finem fecerit nobiscum se maritand' ad voluntat' suam faciat eidem hēre
Matildam de Dina soror: ipsius Ascelin' sine dilatione cum terra sua, &c. Dat. xxi
Augusti.⁴

Rex Thesauro et Camerariis suis Salutem. Liberate de Thesauro nostro dilecto clerico
nostro Rogero de la Leye Cancellario Scaccarii nostri viginti libras, Johanni de Sancto
Valerico Baroni ejusdem Scaccarii nostri viginti libras, Rogero de Northwode Baroni dicti
Scaccarii viginti libras, Ricardo de Hereford clerico ejusdem Scaccarii decem libras, Ni-
cholao de Castello clerico ejusdem Scaccarii decem libras, Magistro Odoni Custodi Me-
morandorum nostrorum ejusdem Scaccarii viginti et quinque marcas, et Ricardo de Stan-
ford Scriptori primi Rotuli Scaccarii nostri p̄dicti decem marcas, in subventionem ex-
pensarum suarum in servicio nostro. T. R. apud Turrim Londoniæ xxiiij die Novembris.⁵

¹ De anno 2^o Johannis. membrana 1^a. — ² De anno 3^o Johannis mem. 1^a. — ³ 5 Johan. mem. 5.
— ⁴ Idem. mem. 8. — ⁵ De anno 4 Edw. I.

GENEALOGICAL UTILITY.

Sir William Dugdale, and after him ^{Arthur} William Collins, Esq. are the only authors, to my knowledge, who have made use of the Liberate Rolls; so remarkable indeed was the industry of the former, that few of our national records escaped his personal examination and transcribing hand. I have not been able to find any instance of the Liberate having been given as evidence in courts of jurisprudence. Documents of such remote antiquity are not frequently requisite, and the Liberate Rolls are, perhaps, not generally known, and therefore not frequently searched into. They are, however, admissible as legal proof; though the instances here given of their utility in genealogies must be confined to extracts from Dugdale's Baronage, and Collins's Peerage, the only printed works (I believe) in which they are referred to.

The first of the noble family of Cavendish, who bore that name, was Chief Justice of England in the reign of Edward III. The earliest published Record containing any account of him, and the only one cited by Dugdale in reference to him and his situation, is the Liberate Roll of the 39 Edward III.¹

In tracing the genealogy of the ancient and now extinct family of Cobham, Dugdale refers to four of the Liberate Rolls of the reigns of Henry III. and Edward I. in verification of his biography of John Cobham, a Judge of the King's Court at Westminster.²

In the Burghersh pedigree, the Liberate Roll of Edward III. was quoted by Dugdale in his biography of Bartholomew de Burghersh.³

In the Bohun pedigree, it is proved by Dugdale from the Liberate Rolls of the 2d of John, (in opposition to a statement in the Chronicle of Lanthony) that Henry de Bohun was the first Earl of Hereford of that great family, he having had a grant from King John.⁴

In the pedigree of the Vipounts, as drawn by Dugdale, the Liberate Rolls of the 4th John are quoted, and prove the succession of William de Vipount to the Castle of Vipount, on the death of Robert de Vipount, his brother.⁵

In the Ferrers pedigree, as drawn by Dugdale, the Liberate Rolls are cited, to prove that William Earl Ferrars did, on the death of his relation, the Vidame de Chartres, obtain livery of his lands as such relation.⁶

In the Sackville pedigree, the marriage of Andrew Saukavil, by the King's especial command, to Ermyntyde, an honourable lady of the household to Queen Eleanor, and daughter to Sir Roger Malyns, without any dower, is proved by the Liberate Rolls of 3 Edward I.⁷

¹ Baronage, vol. II. p. 420.—² Baronage, vol. II. p. 65.—³ Baronage, vol. II. p. 36.
 —⁴ Baronage, vol. I. p. 180.—⁵ Baronage, vol. I. p. 347.—⁶ Baronage, vol. I. p. 261.
 —⁷ Collins' Peerage, 1779, vol. II. p. 148.

OBLATA ROLLS.

1 JOHN — 1200.

TO

25 EDWARD III.—1351.

THESE Records are only for the 1st, 2d, 3d, and 9th years of John, the 3d and 9th of Edward II. and from the 1st to the 29th of Edward III. inclusive ; the number of Rolls is 31.¹ They are preserved in the Tower of London, and contain accounts of the offerings and free gifts to the King from every great man of the period who wished his protection or favour. Amongst which will be seen gifts : for having a barony, for having places, some great man's youngest daughter in marriage, his eldest daughter, any one of his daughters, for having a manor to farm, a city to farm, for leave to stay at home instead of going abroad with the king, not to be asked to marry, that the sheriff and a jury may inquire of a heirship, and which heirship is therein set out, for leave to make up a quarrel, for a writ of summons against an adversary, for justice against an adversary, that an adversary may not compel the donor to plead to his action, gifts for heirships, for wardships, for reliefs, for scutage, for licence to transfer estates, for a jury's inquisition to inquire of particular facts, to marry a widow, to have a trial, that debts due to a Jew may not be paid, for having acquittance of accounts with the king, for grants of property, for confirmation of former grants, for having seisin of lands, for having judgment in the king's court, and for having the custody of the king's vineyard.

Many of these entries relate entirely to matters of pedigree, most of them may be made useful to the genealogist, all of them are full of interest to the historian and the antiquary. It would, perhaps, be now difficult to ascertain the justice with which most of these fines were received ; from the

¹ Powell's Repertorie of Records, 1631.—Holme's MS. Calendar of Tower Records, Lansdowne MSS. 319.—Record Report, 55.

appendix of specimens, it will be seen that Ralph Cornhill's widow gave the king 200 marks, 3 palfreys, &c. not to marry Godfrey of Louvaine; and he at the same time sent the king 400 marks that she might be compelled to have him.

There are selections from these Rolls in the British Museum,¹ and in the Bodleian Library.²

¹ Harleian MSS. 86.

² Bodleian MSS. 6494.

SPECIMENS THEREOF.

Roger de Stanford dat Reg' xl m̃kas p. h'enda in uxore Ceciliā filiam Isabelle de Santredune cū heredita. sua.¹

Hugo de Morevill dat Domino Regi duos dextrarios p. concedendo maritag' inter filiam suā et Ric' de Egremont.¹

Johēs Camer' fecit finem pro maritagio Johanne filie Com' de Insula (prout colligi possit).¹

Homines de Kingstone dant dño Rg' lx m. p. h'enda villa' de Kingston in manu sua.²

Giraldus de Cauvill dat Dño Regi m^{li} p. h'enda feminā Thome de Verdune cum terra sua maritand' filio suo. Solvend' p. manibz iij mk's et de residuo loque' Dn' Reg'.³

Thom' fil' Ric' et Alicia uxor sua dant Reg' xl m: quas prius obtuler' Dn' Reg' tunc Com' Moriton p. hēnda seisinā de terra cū p'tin. in Merstone et in Kingstone unde Galfridus de Bella aqua pater ipsius Alicie fuit sesitus die quo obiit et ips' post eū donec Wifflus Com' Saresbir' eos injuste et sine iudicio dissesivit.³

Atellina de Waterville dat Dño Regi lx m. ut non maritet' nisi p. voluntate sua.³

Wifflus Bardolfe dat Dño Regi xxx m. et unu' palefridu' p. tenend' terrā suā in Cocheshall p. servitiū feod' unius milit' qua' Wifflus filius Wifflm patris uxor. ejus tenet p. serviēm l' p. th . . . de dño Rege.³

Herbertus de Tybco dat finem x m: p. ponendo Roberto filio suo in terrā et hereditatem suā loco suo.⁴

Radulphus de Bellocampo dat Dño Regi 300 m̃cas argent. p. hēnda custodia' terr' et hered' Regin' de Paveley. Wilsh.⁴

Ric. de Lucie filius Reginaldi de Lucie dat Dño Reg' iij m: argenti pro habenda terra' sua' in Copland et in Cant que est in manu Dñi Regis et p. se maritando ubi voluerit et p. hēnda rationabil' p̃te sua' que eū contingit de terra qua clam' versus B. Com' Albemarle et uxore' sua' et versus Robertum de Courteney et uxore' sua', &c.⁵

Rob'tus de Tateshall dat Dno Regi C li. sterlingor' pro relievo terre sue. Lincoln.

Joh'es Russell dat Dño Regi L m: p: habenda soror' Dñi Bard' in uxore. Dorc.⁶

Joh'es de Lacell dat Regi xxx m: argent: p. faciend' inquisicoēne utrum Wiffls de Etringham unq̃m desponsavit Leciam de Cobdum matrē Margaret' uxor' Simon de Lindon, vel non. Ebor.⁶

Godfridus de Loveine dat Dnō Regi iiij C. mcaz pro habenda terra' et uxore' Rad. de Cornhill si ratione' non poterit p'tendere, quare eū recipere non debeat.⁷

Relicta Radulphi de Cornhill dat dño Regi C. C. m̃cas et tres palefridos et ij ostorcos ne maritetur Godefrido de Loveine, et q̃d possit se maritare cui voluer' et p. terris suis hēnd'. Essex.⁸

¹ 1° Johan. mem. 1.—² Idem. mem. 2.—³ Idem. mem. 3.—⁴ Idem. mem. 6.—⁵ Idem. mem. 7.—⁶ 2° Johan. mem. 9.—⁷ Idem. mem. 16.—⁸ Idem. mem. 12.

THEIR GENEALOGICAL UTILITY.

I have not been able to ascertain any instances where these Rolls have been used for genealogical purposes, other than in Sir William Dugdale's Baronage, and Collins's Peerage.

In the genealogy of the baronial house of Clavering, the marriage of Robert Fitz Roger's nephew, with the daughter of Hubert de Rie, is proved by the Oblata Roll of 1 John, which mentions a gift of 300 marks to the King, for his permission of the marriage.¹

The genealogy of the Fitz Walters is indebted to the Oblata Rolls for proof that the heir of Geoffrey de Lucy, Bishop of Winchester, was (at the time of his death) his nephew, Robert Fitz Walter; a fine of 300 marks being recorded as given to King John, for granting to the nephew livery of his uncle's estates.²

Several descents of the Ferrers family, and of the lands belonging to them, are proved by the Oblata Roll of 1 John, as William Earl Ferrers paid the King 2000 marks to have the lands of William Peverel, whose daughter and heir, called Margaret, was his (the Earl's) grandmother.³

In the Nevill Pedigree, the marriage of William de Nevill, Sheriff of Norfolk, with one of the daughters and heirs of Walter Walerand, is proved by an entry on the Oblata Roll of 2 John, stating a fine of 80 marks and a palfrey, being given to the King for his sanction of such marriage.⁴

In the Sackville Pedigree, as drawn up by Collins, the Oblata Roll of 9 John is cited, and proves the heirship of Sir Jeffery de Saukeville, to his uncle Richard de Saukeville, by an entry on it, of a fine of 3000 marks paid to the King, to regain the uncle's estates which had been seized into the King's hands.⁵

In Sir William Dugdale's Pedigree of the Kerdeston family, the commencement of the genealogy is proved solely by an extract from the Oblata Roll of 1 John, which states that Roger de Kerdeston gave a fine of 30 marks to the King, to have the lands of his brother Hugh.⁶

¹ Dugdale's Baronage, vol. I. p. 107.—² Baronage, vol. I. p. 107.—³ Baronage, vol. II. p. 260.—⁴ Baronage, vol. II. p. 287.—⁵ Peerage, 1779, vol. II. p. 145.—⁶ Baronage, vol. II. p. 112.

THE NORMAN ROLLS.

2 JOHN — 1200.
TO
10 HENRY V.—1422.

THESE Rolls are so called from their relating to the affairs of Normandy, or to indifferent transactions which took place in Normandy, though they will often be found to contain entries having no relation to either of such circumstances; and this is probably to be attributed to the negligence of the Chancery Clerks, who made wrong entries on the various Records.

The Norman Rolls are divided into classes for the different subjects they contain; and we find in them the Rolls of patents, of charters, of writs, &c. They are for a period (though with interruptions) of 256 years, commencing in the 2d of King John; but that unhappy Prince having lost the Norman dominion, they were discontinued from his time till the recovery of it by Henry V.¹ The following is the list of those existing: ^{2 3}

Date.		No. of Rolls.
2 John	Norman. Chart. - - -	1
—	Oblata Norman. - - -	1
—	Contra Brevia Norman. - -	1
4 John	Rot. terrarum liberatarum et contra brevium de Norman. &c. - -	1
6 —	Normania - - -	1
5 Henry V.	Norman. Pat. - - -	1
6 —	Patentes Norman. - - -	1
—	Norman. ad 8 - - -	1
7 —	Norman. Pat. - - -	2
8 —	Norman. Pat. - - -	3
9 —	Norman. Pat. - - -	1
10 —	Patentes Norman. - - -	1

¹ Bayley's Tower of London, p. 222.—² Holme's MS. Calendar of the Rolls in the Tower, Lausdowne MSS. 319.—³ Powell's Repertorie of Records, London, 1631.

The contents of these Records are important to the genealogist, as they relate to a great proportion of the men of consequence of ancient days, most of whom were of Norman origin, and possessed property in that duchy: they relate also to events so various and numerous, that a few only can be here enumerated. In them we find letters of safe conduct and protection, confirmations of every description, grants of all sorts, pardons, attornments, royal licences to individuals, for innumerable permissions, restitutions, writs for doing justice, for trials, for taking into custody, for preventing duels, for legitimatizing, for marriage between private individuals, grants of wardship, exemplification of charters, fines, authorities for levying taxes, examination of witnesses, and licences to import, to catch wild beasts, to trade, and to travel.

In them will also be found a curious account of the lands in England, held by the Normans in the 6th of John. A short extract from which will be found with the specimens.

In 1743, a catalogue of the Norman Rolls was published, together with the Gascon and French Rolls, by Thomas Carte, the author of a History of England, in two volumes folio, with the following title:—

Catalogue des Rolles Gascons Normans et François conservés dans les Archives de la Tour de Londres tiré d'après celui du Garde des dites Archives. Et contenant le précis et le sommaire de tous les titres qui s'y trouvent concernant la Guerre, la Normandie, et les autres Provinces de la France, sujettes autrefois aux Rois d'Angleterre, &c.

A Londres, et se trouve a Paris chez Jacques Barois fils, Libraire, Quai des Augustins, 1743.

This catalogue contains the title, date and matter of about 20,000 charters, which may be divided into three classes. 1. Historical, as Treaties of Peace, Conventions and Truces with great men. 2. Grants to Communities or Towns. 3. Relating to the Affairs of Private Individuals.¹

It is said that Carte's Catalogue is not free from errors or omissions. The value of such a work to the public is nevertheless as undoubted, as the merit of the individual, by whose personal exertions, and at whose private expence, the book was published.

The Rolls are preserved at the Tower of London; extracts from them

¹ Preface to Carte's Catalogue, 1743.

are in the Public Library of Oxford,¹ and in the British Museum.² The earliest of the originals has this commencement:—

“ Hic est rotulus Cartarum et Cyrografarum Normanniæ factus tempore Guarini de Glapion tunc Senescalli Normanniæ anno secundo Regni Regis Johannis, Assistantibus ad Scaccarium Sansone Abbate Cadomi et Radulfo Labe, Petro de Lions Clerico Domini Regis.”

¹ Bodleian MSS. 7376.—² Harleian MSS. 88, 92.

SPECIMENS OF ENTRIES THEREON.

R. Omībz ad quos, &c. Saltm̃. Sciatis qđ de gřa nřa sřali concessim' dilčo s'vient' nřo Johi Halis mañm de Quesney et Glatigney cum omībz suis p'tiñ infra parochiam de Clevile vel alibi in Coñ de Caen quod fuit Robti de Pontandericer qui apud Agincourt diem suum clausit extremū ut dicit' Hēnd' et tenend' mañm p'dtñ cum suis p'tiñ p'dti; ad valorem sexaginta coronar' p' anñm přato Johi et heredib; masculis de corpore suo exeuntib; de nob et heredib; nřis p homağm ac reddendo et faciendo nob' et eisdem heredib; nřis s'viča inde debita et consueta inp'pñ. Reservata &c. usq. ibi castro seu ville nře de Cadomo &c. ut sup'. In cuj' &c. T. R. apud villam R. Falesie xix die febr'. p. ip'm R.¹

De salvo Conductu Marcoville.

R. p. lřas suas patentes usq' festum pasche přx' futur' duratur' suscepit in salvū &c. Robm̃ Marcoville prionařm dilči et fidelis militis R. Henr' Fitzhugh Cañar. R. ad p'fatm̃ Henr' cum trib; s'vientib; in comitiva sua veniendo ibidem morando et exinde redeundo ac equos res et bona sua quecunqu' proviso semp' qđ ipi quicq^m quod in R. contemptum vel pjudiciū aliquiditer cedere valeat non attemptent seu fač aliquiditer attemptari et qđ ipi nullum castror' &c. In cuj. &c. T. R. apud Civitatem R. de Baieux viij die Martii. p. ip'm R.²

Rotul' de Valore T'rař Normannor' Incept' anno Regni Reg' Johis sexto.³

Wigor'.	Coderuge řra Rog' de Amundevill.
Ada' Cam'ar.	Jurati dicť q'd nł inde ablař est přq' řra illa saisita fuit In man' dñi
Adam' Wal'nsis	Reg' n ^e ullū instauř est ibi n ⁱ Jumentum cū pullo suo et q'd valet cū
Swain molend'	instauř xij Boř & ij auroř. xij li. ij s. vj d. oř. et tñm valet pene instaurata
Hugo fil' Rog'i.	řra illa.
Ibid.	Wichebond řra ejusđ Rogi.
Rob' Molend'	Jurati dicť q'd nł iñ ablař est přq' illa řra saisita est In man' dñi Reg'
Hugo de Tal	n ^e instauř ibi ē & q'd valet cū instaur' viij bov. & j aurii & ij vacč. xj
Osulf	li. & de instauř. x li'.
Rob' fil' Walt'	
Edr'c de Tal.	
Dorset. Sum'set.	Spactebir' řra Abb'is de Pratell.
Rob'. de Cherleton	Jurati dicť q'd illa řra valet sñ instaur' xij li. & cū instauř q'd nō ibi est
Rog' fil' Goiwi	sciřt. xij bō. & iiij vacc' & ij vitul'. & lxxv ovibz. & ij juñit valēř
Rob' fil' Ric.	xv li xij s' vi. đ. & si instauř ēet tanto instauř qu'tū sustine' posset.
Thom' Pem.	Sciřt c. c. c. oř. viij vacc'. & ij auř & xvj boř. & viij porč. valēř xx li.
	& nł iñ amoř est.

¹ 5 Henry V. — ² 5 Henry V. — ³ The Roll contains particulars of eighty-eight Norman landholders.

PROOFS OF THEIR GENEALOGICAL UTILITY.

In the Fitzwalter Pedigree, as drawn up and published by Sir William Dugdale, the Norman Rolls are referred to as proving the decease of Sir John Cheney, Knight, without heirs male, whereby his lands in the Duchy of Normandy, of the value of 5000 Scutes, returned to the Crown; and in consideration of the services of Humphrey Fitzwalter in the wars of Henry V., were bestowed upon that subject.¹

In the Pedigree of Foix, Earl of Kendal, Sir William Dugdale traces the early part of his descent solely by means of the Norman Rolls.²

In like manner, the immediate foundation of that branch of the noble family of Fienes which bore the title of Say, is traced by the Norman Rolls.³

In the Grey Pedigree, the creation of Sir John Grey, Lord Powys, to be Earl of Tankerville, in Normandy, is proved solely by the Norman Rolls, on which the patent of creation is entered: and much of that Nobleman's biography appears on the Norman Rolls.⁴

The Norman Rolls of Henry V. are cited by Dugdale, in his genealogy of John, Duke of Bedford, as containing an entry, that leave was given to Joane, Queen of Apulia, by King Henry, to adopt this Duke for her son.⁵

¹ Baronage, vol. I. p. 222.—² Baronage, vol. II. p. 228.—³ Baronage, vol. II. p. 245.
—⁴ Baronage, vol. II. p. 284.—⁵ Baronage, vol. II. p. 201.

THE PATENT ROLLS.

3 JOHN — 1201.

TO

5 GEORGE IV.—1825.

THESE Rolls begin in the 3d year of the reign of King John, A. D. 1201, and are continued to the reign of George IV. They contain¹ all grants of offices, of crown lands, of liberties, of restitutions of temporalities to bishops, abbots, and other ecclesiastical persons, confirmations of previous charters and grants, grants made to bodies corporate, as well ecclesiastical as civil, denizations,² patents for inventions, grants in fee farm, special liveries, and grants of wardship, grants of offices special and general, patents of creations of peers, or of honour, licences and pardons of alienation, and all other kinds of licences and grants which pass the great seal; such leases also of crown lands as pass the great seal, and special and general pardons, matters relative to the prerogative of the crown, the revenue, and the different branches of the judicature, appointments and powers of ambassadors, ratifications of treaties and truces, letters of protection and safe conduct. On the backs of these Rolls are commissions of justices of the peace, of sewers, of inquiry, proclamations, and all commissions requiring the great seal; besides a variety of other documents, so various in their natures, that scarcely less than a volume would explain them. There are complete indexes to the whole; the Rolls prior to the year 1483 (the end of the reign of Edward IV.) are at the Tower; the subsequent are at the Rolls Chapel; some few for the reigns of John, Edward II., and Henry VI., are at the Chapter House. In the Library of the Inner Temple, are copies of, and extracts from, these Rolls, from John to Edward IV. In the Receipt of the Exchequer, is a Roll containing extracts from them for the reign of Henry III.; and in the Lincoln's Inn Library are copies of, and extracts from them, for the whole of the same king's reign. In the Bodleian Library, Oxford, are

¹ Preface to the printed Calendar of the Patent Rolls, 1802.—² A list of Denizens, signed by Henry VIII., is in the custody of the Dean and Chapter of Westminster.

the dockets of patents in the reigns of Henry VIII., Edward VI., Mary, and Elizabeth; and copies of patents of the reign of Edward III.¹ In the British Museum are many partial calendars of the Patent Rolls, lists of dockets of patents, lists of patents taken from other sources than the Rolls, and copies of, and extracts from, many patents.²

A calendar of a selection from those in the Tower, was printed by order of the Record Commissioners in 1802, but it is so defective, that it does not, on an average, take notice of a fifth part of the documents entered on each Roll;³ the Index Nominum attached to that publication, affords, nevertheless, evidence of the utility of these Records to the genealogist, as it contains references to about 7000 eminent families. There are also in the Tower some Rolls of Patents, independently of those Rolls commonly called the Patent Rolls, and which have been described above. That these *extra* Patent Rolls may not be overlooked, a list of them is subjoined.

Date.		No. of Rolls.
14 Henry III.	Patent. in Britan. - - -	1
14 Edward I.	Patent. fact. in partibus transmarinis	1
19 Edward I.	Patent. de Dominibus Judæorum post eorum exitium, &c. - -	1
26 Edward I.	Pat. de obligat. per regem mercatori- bus - - - - -	1
12 Edward III.	Pat. apud Antwerp - - -	1
13 Edward III.	Patent. pro mercator. - - -	1
_____	Pat. concess. hominibus Angl' et Vascon' - - - - -	1
_____	⁴ Pat. inter Regem et diversos Mag- nat. Germ. - - - - -	1
14 Edward III.	⁵ Pat. et Cart. fact. ultra mare - - -	1
15 Edward III.	Pat. pro mercator. - - -	1
19 Edward III.	Same - - - - -	1
20 Edward III.	Pat. fact. in Francia - - -	1
21 Edward III.	Pat. fact. apud Cales - - -	1

¹ Bodleian MSS. 7376.—² Harleian MSS. 86, 90, 91, 1012, 3319, 3796, 7188.—Lansdowne MSS. 221, 254, 287 to 304, 849, 941, 973, 1054, 1168.—Ayscough's Catalogue 4554, 4555.—³ Bayley's Tower of London, p. 223.—⁴ Copies or extracts are in the Bodleian MSS. 7376.

SPECIMENS OF ENTRIES THEREON.

Rex om̃ibz Hominibz Tenentibz de Terra que fuit Com' H. de Warennā, &c. Sciatis qđ audita morte p̃dci Com' cepimus homagiū Wiffrici filii ejusdem Comit' de Terra quam idem Comes de nobis tenuit. Et ideo vobis mandamus qđ eidem Wiffo faciatis fidelitates et alia que ei facere debetis de Terris quas tenuistis de p̃dco Comite Salva fide matris sue. Teste me ip̃o apud pontem Arch' xij die Maii.¹

Rex Baronibz de quinq' portubz Anglie, &c. Mandamus vobis qđ totum serviciū qđ nobis debetis hēatis attendentes ad id qđ Hubertus de Burgo Camerarius noster vobis dic' ex' p̃te ñra. Et insup' vos ita efforc' qđ nobis grates scire debeamus. T: pet. de Pratell.²

Rex, &c. Sciatis nos dedisse Henrico de Ferlington et Agnet' uxori ejus rañonabilem confirmacōem quam Phūs Dunelm' Epūs eis fecit de custod' Terre que fuit Wiffrici Helton et Alexrī heredis ejusdem. Et sic de sororibz maritand' si Alexander obiret infra ætatem. Et si p̃dict' Henr' obiret tunc Ricūs de Ferlington h'eret custod' illam et maritagiū.³

Rex, &c. Justiciar' &c. Mandamus vobis qđ custodiatis et custodiri faciatis terras res homines et possessiones servientis ñri Nicholai de Basing et Agnetis uxoris sue filie Walter' de Scoton non ponentes nec poni p̃mittentes ipsos in placit' de aliquo teñto suo qđ tenuit in pace die qua littere iste patent' facte fuer' nisi coram nobis vel Capital' Justiciar' ñro. Teste me ip̃so apud Rugem Aurinall 3^o die Maii.⁴

Rex om̃ibz &c. Sciatis nos ratum h'ere et gratum quod Agath' Trussebut Ux' Willi de Albin' vendat et invadiet de t'ris D'ni sui p̃dci Will'i quantum necesse hu'it p' Redempc'oe ipsius acquietanda. Et in hujus &c. T. apud Wilton' xiiij. Die Jun'.⁵

Pro Isabella de Aubynny.

Mandatum est Bern' de Sabaud' et Hug' Giffard qđ Isabellam Fil' Gwill'i de Aubynny que est in Custodia Reg' lib'ent Rob'o Fil' Will'i de Ros Viro suo et eam abducatur quo volu'it. In cujus &c. T. R. apud Windes' xvij. Die Maij.⁶

¹ 3 John m. 1. — ² 3 John m. 2. — ³ 3 John m. 2. — ⁴ 3 John m. 2. — ⁵ 18 John m. 7. — ⁶ 28 Henry III. m. 6.

PROOFS OF THEIR GENEALOGICAL UTILITY.

In the claim of Sir George Jerningham, in 1812, to the Barony of Stafford, the Patent Roll of the 22 Richard II. was produced before a committee of the House of Lords in support of the petitioner's Pedigree, by proving the marriage of the then Earl of Stafford with his Brother's widow; the royal licence for that purpose being entered thereon.¹

Among other entries on the Patent Rolls, produced in furtherance of the claim of Sir George Jerningham to the Barony of Stafford, was a commission from Charles I. to inquire into the Pedigree of Roger Stafford, a former claimant of the Stafford Barony. The proceedings taken thereon were not discovered.²

The Committee of the House of Lords, appointed to inquire concerning the dignity of a Peer of the realm, in tracing the descent of the Earldom of Arundel, cited the Patent Rolls in proof of the descent of the four children and coheiresses of Hugh de Albini, Earl of Arundel, their marriages and possessions.³

In the claim of Lewis Dymoke, Esq., to the Barony of Marmyon, in 1818, the Patent Roll of the 21 Edward IV. was given in evidence before a Committee of the House of Lords, to prove that on the death of Sir Thomas Dymmok, Knight, who is described as the relative, and one of the heirs of Sir Thomas Waterton, Knight, he was succeeded by his son, Robert Dymmok; these facts appearing in the grant of Livery of Sir Thomas's lands to his son Robert, and which grant is inrolled on the Patent Roll.⁴

In the claim of Sir John Shelley Sidney, Baronet, in 1824, to the Barony of De L'Isle, the Patent Roll of the 15 Henry VIII. was given in evidence before the committee of Privileges of the House of Lords, to prove that Elizabeth Grey, Viscountess L'Isle, died before the 15 Henry VIII. without issue; and that Elizabeth, the wife of Sir Arthur Plantagenet, and sister of the said John Grey, Viscount L'Isle, thereupon became his heir.⁵

In the claim of the Right Honourable Charlotte Fitzgerald, to the Barony of Roos, in the year 1804, about one dozen Patent Rolls were produced to the Committee of the House of Lords, by the petitioner, in support of her Pedigree and claim.⁶

¹ Stafford Peerage Minutes, p. 21.—² Same, p. 83.—³ Peerage Report, p. 411.—

⁴ Marmyon Peerage Minutes, 1818, p. 42.—⁵ De L'Isle Peerage Minutes, 1824, p. 86.—

⁶ Roos Peerage Minutes, 1804.

THE FINE ROLLS.

6 JOHN — 1204.

TO

17 CHARLES I.—1641.

THESE Rolls contain the accounts of Fines paid to the King for licences to alienate lands, for freedom from knight service, or being knighted, (*pro exoneratione militum*¹) *pro licentia concordandi*, and occasionally for liveries of lands, with a multitude of similar and dissimilar entries. Those prior to the reign of Edward V. are arranged in chronological order, and preserved at the Tower of London, having indexes to them. The subsequent records are at the Rolls Chapel, and are called Fine, or Lord Treasurer's Rolls. They contain the inrolments of patents to escheators, customers, comptrollers, searchers, and of other patent offices in the gift of the Lord Treasurer; as also the inrolments of general liveries of lands holden in capite, entries of writs "*de diem clausit extremum*," &c. which issued before the taking away of the Court of Wards and Liveries, and the Abolition of Tenures in Capite.² There are collections from them in the British Museum,³ and Public Library, Oxford.⁴

¹ There is a Roll in the Tower, of the 20 Edward III. having no other contents than these fines.—² Record Report.—³ Lansdowne MSS. 316.—⁴ Bodleian MSS. 4194, 4198, 5025, 6494, 7376.

SPECIMENS OF ENTRIES THEREON.

Linc'.

Will'us de Albin' Finem fecit cum D'no Rege p' sex Mil' Marc' pro Delib'ac'one sua a Prisonsa D'ni Reg' unde reddere debet duo Mil' Marc' a Die D'nica p'x ante festum sc'i Joh'is Bapt' A. R. D'ni Reg' xvij. in tres Septim' sequentes. Et mandat' est Vic' Linc' q'd de om'ib; t'ris ten' cum p'tin' suis que fuerunt ip'ius Will'i in Baill'a sua sine dil'one plenar' seisinam h'ere faciat Agath' Ux' ip'ius Will'i. Ita tamen q'd si illa duo Mil'ia Marcar' D'no Regi reddit' infra p'd'um t'mi'u' tunc t'ras et ten' illa it'um in Manu D'ni Reg' resaisiet.

Memor' q'd Will'us de Albin' p'misit D'no Regi unum Palefr'um.¹

De Fine Will'i de Beauver, et Seisina terre sue.

Will'us de Beauver Finem fecit cum Rege p' Cent' Libras p' Relevio suo de t'ris que fu'nt Will'i de Albin' Patris sui quas de Rege tenuit in capite et que ip'm Will'um hereditarie contingunt et Rex inde cepit Homagi' ejus. Reddet autem Regi p'dcas C. Libras ad duos t'minos, videl't, L. Libras ad fest' Sc'i Mich'is Anno &c. xx^o et L. Libras ad Sc'c'ium Pasch' Anno &c. Vicesimo primo. Et mand' est Rog'o de Essex' Escaetori Reg' q'd accepta ab eo Securitate de p'd'cis C. Libris ad t'minos p'dcos Regi reddendis, eidem Will'o sine Dil'one plenam seisinam h'ere faciat de om'ib; t'ris que fu'nt ip'ius Will'i quas cepit in Manu' Reg' occ'one Mortis ip'ius Will'i de quib; seistus fuit Die quo obiit. Salva Agath' que fuit Ux' ip'ius Will'i r'onabili Dote sua de eisdem t'ris. Et ex quo autem Securitatem p'd'cam cepit ab eod' Will'o de p'd'cis C. Libr' ad t'mi'os p'dcos Regi reddendis id scire faciat p' L'ras suas ade Fil' Will'i et Ric'o de La Lad quib; Rex mandavit q'd ex quo id eis significav'it de om'ib; t'ris que fu'nt ip'ius Will'i et que sunt in Manu sua et que ip'um hereditari' contingunt plenam Seisinam h'ere faciat. T. R. apud Guldeford xv. Die Maij.

Et Mandat' est p'd'cis Ade et Ric' q'd in forma p'd'ca eidem Will'o plenam seisinam h'ere faciat &c. T. ut supra.²

Pro Rob'to de Ros et Isabella Ux' ejus.

Rex concess' Rob'to de Ros et Isabell' Uxori ejus Filie et Heredi Will'i de Albinaco q'd de Debito M.M.M.C.C. iij. xx et v q' Libr' xiiij. Solid' iij^{or} Den' et Ob' unius Palefri quod p'd'cus Will'us Regi debuit et quod a p'd'cis Rob'to et Isabell' exiguntur p' Sum' Sc'carij reddant Regi p' annu' ad Sc'c'm suu' C.C. Marc' Videlt' ad Sc'c'm Pasch' Anno &c. xxxiiij^o C. Marc', et ad Sc'c'm Sc'i Mich'is p'ximo sequent C. Marc' Et sic de Anno in Annu' ad eosdem t'minos C.C. Marc. donec p'd'cm Debitum Regis p'solvatur. Et mandatum est Baronib; de Sc'c'io q'd sic fieri et inrotulari faciant. T. R. apud Westm' xiiij. die Octobr'.³

¹ 17 and 18 John, p. 2. m. 1.—² 20 Henry III. m. 9.—³ 32 Henry III. m. 1.

INSTANCES OF GENEALOGICAL UTILITY.

In the claim of the Right Honourable Charlotte Fitzgerald to the Barony of Roos, in 1805, the Fine Roll of the 17 and 18 John, was produced in evidence before a Committee of the House of Lords, to prove the fine paid by William de Albini for his redemption; and that possession of his lands was given to Agatha his wife.¹

And in the same claim, the Fine Roll of the 20 Henry III. was produced, proving the succession of William de Beauver to the lands of his father, William de Albini, and the payment of a fine thereupon.²

Also the Fine Roll of the 32 of Henry III. was produced, and received as evidence in support of the same claim, proving the marriage of Isabella, daughter and heiress of William de Aubynny, with Robert de Ros.³

In the claim of Sir George Jerningham to the Barony of Stafford, in 1809, the Fine Roll of the 25 Henry III. was produced, and given in evidence to prove, that on the death of Henry de Stafford, seizin of all his lands was given to his brother, Robert de Stafford.⁴

The pages of Sir William Dugdale's *Baronage*, and of the *Peerage of Arthur Collins*, Esq. abound with references to the Fine Rolls, in support of the Pedigrees drawn out by those gentlemen.

The Committee appointed by the House of Lords to enquire into the privileges touching the dignity of a Peer of the Realm, in their enquiries into the descent of the Earldom of Arundel, cited, and gave an extract from, the Fine Rolls, to prove the Pedigree of the Fitz Alans.⁵

In the proceedings on the claim of Charles Longvile, Esq. to the Barony of Grey de Ruthyn, before the House of Peers, in 1640, the Fine Rolls were adduced as evidence to prove, that "William Manduit was the son and heir to Alice, daughter to Earl Waleran, by a second wife, (after the issue descended from him by the first venter was extinct,) and that having livery of the Castle of Warwick, and all the manors, &c. belonging to that honour, in 47 Henry III. he was rightful Earl of Warwick."⁶

¹ Minutes of Evidence on the Roos Peerage, 1805, p. 482.—² Same, p. 483.—³ Same, p. 485.—⁴ Minutes of Evidence on the Stafford Peerage, 1809, p. 5.—⁵ Peerage Report, p. 415.—⁶ Collins on Baronies by Writ, p. 135.

THE CLOSE OR CLAUS ROLLS.¹

6 JOHN — 1205.

TO

5 GEORGE IV.—1825.

THESE valuable records take their name from the custom of inrolling *Brevia Clausa* upon them: they are contained at the Tower, the Rolls Chapel, and the Clerk of the Inrolments in Chancery. The first depository has them from 1205 to 1485; the second in continuation to 1784; and the third in continuation to 1825.

The Clause Rolls contain important documents relating to the prerogatives of the crown, the privileges of the nobles and commons, the different branches of Judicature, civil, ecclesiastical, naval and military, regulations for the coin of the kingdom, the measures used for manning and fitting out our fleets and armies, orders for the observance of truces and treaties, for the raising of subsidies, aids, tallages, and imposts, for restitution of possessions, for suppressing riots and tumults, and for the preservation of the peace of the kingdom, assignments of dower, acceptances of homage, for fortifying, repairing, and provisioning castles, with a great variety of writs and mandates for regulating every branch of the affairs of the royal household, the payment of salaries and stipends, commitments, pardons, and deliveries of state prisoners, &c. On the backs of these Rolls are those important documents, the writs of summons to parliament;² there are also writs for the prorogation of parliament, for the expences of knights, citizens, and burgesses, proclamations, letters of protection, inrolments of deeds between party and party, Liveries and seizins of lands, entries respecting the birth,

¹ Madox's Exchequer, 1769. Ho. Com. Report on Records, 1800. Bayley's Tower of London, 1824.—² Literal Copies of these Writs to Parliament have lately been printed with great care by Parliament. In 1685, Sir William Dugdale published "a perfect copy" of all the summons of the nobility, from the 49 Hen. III. to that time, with catalogues of the noblemen summoned in right of their wives.

marriages, and deaths of the royal and noble families, “ writs of summons for the performance of military and naval services, copies of letters to foreign princes and states, proclamations, prohibitions, orders for regulating the coinage of the kingdom, and the sale of wines and other necessities, for receiving knighthood, providing ships, raising and arranging forces, furnishing provisions, and a variety of other instruments ; indeed, they contain a fund of information, the diversity and importance of which render them some of the most important of national records.”¹ Among the variety of other matters contained in the Claus Rolls in the Tower, will be found some inrolments of wills, and the following heads ought to be particularly noticed by the genealogist :—

Admiralty.	Escheat.	Nobility.
Advowsons.	Exchequer.	Oaths.
Alien Priors.	Exemptions.	Outlawries.
Ambassadors.	Fines.	Pardons.
Attainders.	Fisheries.	Piracy.
Auditors.	Forests.	Plague.
Aurum Reginae.	Forfeitures.	Poll Tax.
Banishment.	Gascony.	Poor.
Chancery.	Gavelkind.	Pope's Bulls.
Chivalry.	Grain.	Pre-emption.
Church.	Habeas Corpus.	Privy Seal.
Cinque Ports.	Heralds.	Purveyance.
Coronations.	Heretics.	Reprisals.
Coroners.	Idiots.	Scutage.
Credentials.	Jews.	Serjeants at Law.
Crusades.	Inquisitions.	Stannaries.
Customs.	Invasions.	Tythes.
Custos Regni.	Ireland.	Verdurers.
Demesnes Antient.	King's Bench.	Universities.
Divorces Royal.	Knights Hospitallers.	Wardrobe.
Ecclesiastical Affairs.	Marshal.	Writs ne exeant Regn'. ²
Error.	Mortmain.	

¹ Bayley's Tower of London, p. 220.—² Ho. Com. Report on Parliament Records, p. 581.

The value of these important records has not been generally known, for the want of repertories to them; but calendars have latterly been made.

Since the reign of Henry VIII. they contain mostly the inrolments of deeds of bargain and sale, settlements, wills of Roman Catholics, conveyances of bankrupts estates, recognizances, specifications of new inventions, and other instruments either acknowledged by the parties thereto, or sworn to by a subscribing witness for the purpose of inrolment, or inrolled for safe custody only by warrant from the Lord Chancellor or Master of the Rolls, and also memorials of deeds, and other securities for annuities, bargains and sales, made by Cromwell's Commissioners, of manors, lands, &c. belonging to the crown, and to pretended delinquents, whose estates had been sequestered, as also to the clergy.

In the Inner Temple Library are copies and extracts from these Rolls, from John to Edward IV.

In the Lincoln's Inn Library are copies and extracts from them, from 6 John (with some intermissions) to Edward III., and abstracts of them from the 13 Henry III. to 21 Richard II.

In the British Museum are copies or heads of nearly the whole.

In the Receipt of the Exchequer is a Roll, containing extracts from the original Rolls of the reign of Henry III.

In the Ashmolean Museum are transcripts of, and Extracts from the originals of the time of Edward II. and III.; and other transcripts for the reigns of John, Henry III., Edwards I., II., and III., are in the Bodleian MSS.* An index to the Clause Rolls is in the Lincoln's Inn Library.

* Bodleian MSS. 5044, 7376.

SPECIMENS OF THEIR CONTENTS.

¶ Ed'm fil' Nich'i Baronis Staff' de hom'.¹

Rex cepit homagiu' Edmundi filii et he'dis Nich'i Baronis Stafford defuncti de om'ibz T'ris et Ten' que ide' Nich'us pat' suus tenuit de R. in capite die quo obiit et ei t'ras illas et ten' R' reddidit et ideo Mand' est Malculino de Harlegh Escaetori cit' Trenta' q'd eide' Edm'ndo de om'ibz T'ris et Ten' pd'cis et de quibz pdc's Nich'us pat' suus fuit seis' in d'nico suo ut de feodo in Balli'a sua die quo obiit et que occ'oe mortis ejusdem capta sunt in manu R' plena seis' h'br'e fac' salvo jure cuj'libet. T. R. apud Portesmuth xx die Aug.

D' Parliame'to ten'.²

Rex dil'co consanguineo et fideli suo Edm'o Comiti Cornub', Salt'm. Quia sup' Negocijs n'ris ultramarinis, vobiscum et cum cet'is P'ceribz Regni n'ri h'ere volumus colloquium et Tractatum Vob' mandamus in fide et Homagio quibz nob' tenemini firmit' injungentes q'd prima D'nica instantis Quadragesime ad nos London' med' om'ibz p'sonalit' int'sitis nob'cum ibidem sup' de'is Negocijs tractaturi, v'rmq, consiliu' impensuri, et hoc sicut nos, honorem nr'm et vr'm, ac nr'm et Regni n'ri com'odum diligitis, nullatenus omittatis. T. R. apud Pontem de Tuyle vi. Die Febr. Eodem modo mand' est comitibz subscriptis, videl't,

Rad'o de Monte Hermeri Comiti Glous. et Hertf'

Henr' de Lacy Comiti Linc'

Joh'i de Warren Comiti Surr'

Rog'o Le Bygod Comiti Norff. et Marescall' Angl'

Guidoni de Bello Campo Comiti Warr'

Rob'o de Ver Comiti Oxon'

Ric'o Fil' Alani Comiti Arundell'

Thom' Comiti Lancastr'

Gilb'o de Umframvill' Comiti de Anegos'

Adomaro de Valencia'

Ade de Welles

Eustachio de Hacche

Rog'o Le Warre

Joh'i de La Mare

Joh'i de Hav'ings

Henr' de Pinkeny

Ric'o Basset de Weledon

Will'o de Grandisono

Joh'i Filio Rog'i

Henr de Lancastr. Nepoti R'

Alano La Zousche

Edm'o Deyncurt

Hugoni de Veer

Rob'o de Monte Alto

¹ Clause Roll, 22 Edward I. m. 5.—² Same, 27 Edward I. m. 18. dorso.

INSTANCES OF GENEALOGICAL UTILITY.

In the claim of Katherine Bokenham to the Barony of Berners, in 1717, fourteen Close Rolls were produced in support of the Petitioner's Pedigree.¹

In the claim of Sir William Jerningham to the Barony of Stafford, in 1809, the Close Roll of the 22 Edward I. was produced before the Committee of the House of Lords, to prove, that on the death of Nicholas Baron de Stafford, in the 22 Edward I. livery of his lands was given to Edmund de Stafford, his son and heir; and in the same claim, the Clause Roll of 17 Edward II. was produced and given in evidence to prove, that on the death of Edmund de Stafford, he was succeeded by his son, Ralph de Stafford.²

Entries respecting the coronations also appear on the Clause Rolls, and one of the reign of Edward II. was given in evidence in the Stafford Peerage case, in support of the claim of Sir George Jerningham.³

As the writs of summons of Peers to sit in the House of Parliament are indorsed on the Clause Rolls, it follows that they must be generally produced in cases of claims to Peerage; many of them will accordingly be found to have been given in evidence in the Roos Peerage, the De L'Isle Peerage, and the Marmyon Peerage.

Sir William Dugdale, Collins, and all other writers who have taken the trouble of compiling genealogies from original sources, have made great use of the contents of the Clause or Close Rolls. The instances are quite innumerable; but the following short extract from Collins's Peerage, with the references to the Rolls, authorizing such extracts, will shew how full a Biography and Pedigree might be collected from those Records.

“ In 17 John, William de Montacute being one of the chief of those rebellious Barons “ then in arms, the king gave ⁴ to Ralph de Ralegh all his lands in the counties of Somerset and Dorset, except Chelseley, which he had bestowed on William de Briwere. He “ died shortly after, for in 1 Hen. III. the king ⁵ granted the wardships of his lands and “ heir (William de Montacute), with the benefit of his marriage, to Allan Basset, of Wicombe, in Bucks. In 18 Hen. III. the sheriff of Dorset and Somerset ⁶ had “ the king's command to make livery of this heir's lands to him on his doing homage. “ He died ⁷ in 31 Hen. III. and was succeeded by his son.”

¹ Collins on Baronies by Writ, p. 333.—² Minutes of the Stafford Peerage, p. 5 and 19.—
³ Same, p. 150.—⁴ Claus. 17 John, m. 8.—⁵ Ibid. 1 Hen. III. m. 15.—⁶ Ibid. 18 Hen. III. m. 7.—⁷ Ibid. 31 Hen. III. m. 2.

INQUISITIONES POST MORTEM,

CALLED ALSO

ESCHEATS.

3 HENRY III.—¹²¹⁸~~1487~~.

TO

20 CHARLES I.—1645.

ONE of the consequences attendant on the feudal system of William the Conqueror was the *Inquisitio Post Mortem*, or inquest held by a jury of the county, summoned by the Escheators of the respective counties *virtute officii*, or by virtue of a writ of *diem clausit extremum*, directing them to enquire, upon the oaths of honest and lawful men, of the death of every one of the king's tenants, afterwards of every man of fortune, of what lands he died seized, their quantity, quality, and value, who was his heir, and of what age, in order to entitle the king to his marriage, wardship, relief, primer seisin, or other advantages, as the circumstances of the case might turn out; and whether the tenant was attainted of treason, or an alien, in either of which cases the lands were seized into the king's hands.¹

Sometimes writs of mandamus were directed to special commissioners, instead of the usual writ to the Escheator. The return of the jury summoned to enquire into these facts, having been engrossed on parchment, was returned with the writ or commission authorizing the inquiry, into the King's Chancery, whence a transcript was sent into the Exchequer, (which transcripts are still, from the reign of Edward I. to that of Charles I., in existence) to enable the king's officers to collect the duties, services, &c. payable to the king.

These returns, or *Inquisitiones Post Mortem*, otherwise called *Escheats*, from the writs being directed to the Escheator of the county, commence

¹ Preface to printed Calendar of Inq. p. m.

with the third year of the reign of Henry III.

It was doubtless in consequence of abuses by the Escheator, that occasion was given for the act of 34 Edward III. c. 13., which enacted that every Escheator should take his inquests of good people, of the county where the inquiry should be, by indentures betwixt the Escheators and Jury, and in good towns openly and not privily; as well as for the further enactment in the reign of Henry VI.¹ that the Escheator should take his inquest within one month from the delivery of the writs, in good towns and open places, and not charge more than 6s. 8d. or 13s. 4d. or, if his labour and costs required above, not above 40s.

The abuse of compelling persons who were not tenants of the crown to sue out their livery, gave rise to the act of Henry VIII.² establishing the Court of Wards and Liveries, which has been already taken notice of.³ This court and most of the appendages of feudal tenure were abolished in 1645; but with regard to other matters, the Inquisitions *post mortem* still remain in force, and are now daily taken by the coroner in cases of *felo-de-se*, murder, manslaughter, and the like.

The returns of some Escheators contain such full particulars of the extent of the Tenant in Capite's manors and lands, that a presumption has arisen of those surveys having been taken in consequence of the statute of Edward I. called *Extenta Manerii*, but they are in reality no more than extended Inquisitions *post mortem*.

There have been inquests where the representation of heirship, &c. has been subsequently discovered to be false: some of these instances will be noticed in this chapter.

The "Retours of Special Service" are the Scotch Inquisitions, for finding the heir on the death of an ancestor, and are in use at this day in Scotland. The claimant to the Annandale Peerage, in 1825, proved his descent through many of such Retours; but on producing one of so late a date as 1823, the Attorney General on behalf of the crown objected to it as "very bad and loose evidence." The Lord Chancellor said it "might be received as prima facie evidence, but that better ought to be given; old Retours, or Inquisitions *post mortem*, could not generally be substantiated, but modern facts required better proof."⁴

¹ 23 Henry VI. c. 16.—² 23 Henry VIII. c. 46.—³ Ante, p. 110.—⁴ The printed Minutes of this Peerage take no notice of Lord Eldon's observations, and, from the statement that the evidence was received, convey an erroneous impression as to the admissibility of such evidence on disputed cases.

The Rolls of Inquisitions from the 3 Henry III. to the end of Richard III. are at the Tower, excepting some few at the Chapter-house, and a collection of no less than 2500 relating to lands and tenements in all counties, from 1 Henry V. to 18 Charles I. which are at the Duchy of Lancaster Office, Somerset Place. From the 1 Henry VII. to 20 Charles I. (when they were discontinued) they are at the Rolls Chapel, Chancery Lane;¹ and in the Receipt of the Exchequer are duplicates or transcripts of all inquisitions from 1540, the date of the erection, to 1636, a few years prior to the abolition, of the Court of Wards.

Powell says, divers Inquisitions are not to be found in the Chancery by means of some omissions, yet are in the Exchequer by reason of the correspondence between those courts.²

To such of these Records as are preserved at the Tower, ample calendars and indexes have been made and printed³ by order of the Commissioners on the Public Records, and the like is about to be done of those in the Rolls Chapel: the Inquisitions on Wolsey form one bundle, entitled the Cardinal's bundles.

The Inquisitions for the counties palatine of Durham and Lancaster, have been already noticed.⁴

Stowe⁵ and Powell⁶ refer occasionally to "The book of Heirs of Henry III.:" they are merely the MS. indexes or calendars of the Inquisitions at the Tower. There are, however, very valuable documents extracted from these records, known by the name of Index of Heirs, Extracts from Escheats, and the like, preserved in our public libraries, the references to some of which are subjoined.⁷

¹ Ho. Com. Report on Public Records.—² Direction for Search of Records, 1622, p. 12.
³ Vol. I. 3 Henry III. to 20 Edward II. Vol. II. 1 Edward III. to 51 Edward III. Vol. III. 1 Richard II. to 14 Henry IV. Vol. IV. to the end of Richard III.—⁴ Ante, p. 33.—
⁵ Survey of London.—⁶ Repertorie of Records, p. 7.—⁷ Extracts from the Escheats, by Dugdale and Ashmole, from reign of John to Elizabeth inclusive: Bodleian MSS. 4153, 4159, 4175, 4182, 4185, 4186, 4189, 4190, 4191, 4193, 4199, 5001, 5002, 5003, 5006, 5009, 5010, 5012, 5014, 5016, 5021, 5023, 5027, 5030, 5034, 5064, 5069, 5077, 5086, 5094, 5095, 6491. —Alphabetical index of the heirs of the noble families of England, from the reign of Edward I. to that of Elizabeth: Cottonian MSS. Claudius c. VIII.—Liber Escaetorum, from 1 Edward III. to 10 Henry V.: Cottonian MSS. Faustina c. X.—Register of various inquisitions, from Henry III. to Richard III.: Cott. MSS. Claudius c. XII.—An antient index of inquisitions, from Edward I. to Henry VI. with an alphabetical index of names of places and persons: Lansdowne MSS. 270.—Abstract of several inquisitions preserved in the Court of Wards, with indexes of names of families, towns, &c. by Thomas Cole, 7 vols.: Harl. MSS. 756, 757, 758, 759, 760, 400, 411.—Extracts and compendiums of a multitude of Escheats, from Henry III. to Philip and Mary, many by Sir Simonds D'Ewes: Harl. MSS. 88, 639, 640, 708, 821, 971, 1232, 2085, 4120, 7567.

SPECIMEN OF THE WRIT OF DIEM CLAUSIT EXTREMUM, AND OF THE INQUISITION THEREON.¹

Edwardus Dei grā Rex Angl Dñs Hiñn' & Dux Aquit' dñco sibi Thome de Harpeden Escaetori suo in Coñ Wiltēs Sutht Oxoñ Berks Beđ & Buk' sařm. Quia Warinus de Insula qui de dño E. nup Rege Angl p're ñro tenuit in capite tempore ipius p'ris ñri diem clausit extremū ut accepim⁹ voř mandam⁹ qđ omēs ĩras et teñ de quibz idem Warinus fuit seisitus in dñico suo ut de feodo in balliva vřa die quo obiit sine dñone capiat in manū ñram & ea salva custodiri faciat donec aliud inde p'cepim⁹. Et p sacřm pbor. & leg' homi' de balliva vřa p quos rei vřitas melius sciri pořit diligenť inquiratis q'ntum ĩre idem Warinus tenuit de dco p're ñro in capite in balliva vřa die quo obiit & q'ntum de aliis & p quod ĩviciū & q'ntum ĩre ille valeant p annū in omibz exitibz & quis ppinquior heres ejus sit & cujus etatis. Et inquisiřōem inde distincte & apte fčam nob sub sigillo vřo & sigill eoř p quos fča fũit sine dñone mittatis & hoc bře. T' me ipō apud Westm̃ xv. die Febř anno ř. ñ. primo.

Inquičio capta coram Thoma de Harpeden escaetore dñi Regis in Coñ Wiltēs Sutht Oxoñ Bark' Beđ & Buk' apud Hungerford vicesimo řdo die Febř anno regni Regis Edwardi p'mo p sacřm Willi de Oftone Johis de Compton Nichi de Schirebourne Johis de Mygham Ad Brizward Nichi de Schirebourn Riči atte Stomford Thome le Somenour Elye Fairman Rořti de Hadele Riči atte Hall & Riči Clet. Qui dicūt sup sacřm suū qđ Warinus de Insula nichil tenuit die quo obiit de dño E. nup Rege Angl patre Regis nūc in capite. Immo tenuit manñiū de Kingeston de Rořto de Insula p homagiū & fidelitatē & p ĩviciū uni⁹ feodi & dimid' militis et reddendo inde eidem Rořto unū par calcarioř de auratoř p annū p om'i servicio. Iřm dicūt qđ tenuit manñiū de Favelore cū ptiñ de abbte de Abyndon p serviciū sex solidoz & octo denar' eidem abbi p annū reddendoř p omi serviřō. Iřm dicūt qđ pđcūs Warinus tenuit die quo obiit manñiū de Budene de abbte de Abydon p serviciū quinq'ginta solidoz eidem abbi p annū reddendoř p omi serviřō Iřm dicūt qđ pđcūs Warinus tenuit die quo obiit unū mes' duas virgat' ĩre & viginti solidat' reddit⁹ cū ptiñ in Pesmere de Simone de Northton p serviciū duodecī denar' eidem Šimoni reddendoř p annū p omi servicio. Iřm dicūt qđ pđcū manñiū de Kyngeston valet p annū in omibz exitibz jux^a verū valorem ejusdē quadragint' libř Iřm dicūt qđ manñiū de Favelore valet p annū in omibz exitibz jux^a verū valorem ejusdem septem libr' sexdecī solid. Iřm dicūt qđ manñiū de Budon vař p annū in omibz exitibz jux^a verū valorem ejusdē decem septem libr'. Iřm dicūt qđ unū mes' duas virgatas ĩre & viginti solidatas reddit⁹ cū ptiñ in Pesmere vař p annū in omibz exitibz jux^a verū valorem ejusdē triginta septē solid quatuor denar' Iřm dicūt qđ Alic' uř pđci Warini de Insula cōjūcta fuit cū Warino de Insula viro suo de omibz manñiis & teñ pđcis ad ter' vite sue. Iřm dicūt qđ Gerardus de Insula est filius & heres ppinquior pđci Warini & plene etatis vř viginti & triū annoř & amplius. In cujū rei testim' pđci jur' sigilla sua apposuerūt.

¹ Anno 1^o Edwardi III. 1327.

PROOFS OF THEIR GENEALOGICAL UTILITY.

In the claim of Margaret Fenys to the barony of Dacres, in the reign of Elizabeth, the death of Thomas de Moreton, in the 55th year of his age, leaving Thomas his son and heir of age; and the death of Matilda, wife of the first Thomas de Moreton, in the 12 Edward I. leaving Thomas de Moreton, her grandson, aged 30, her heir; and in like manner the deaths of three other succeeding descendants of that family, their respective heirs, and their ages, were proved by the *Inquisitiones post mortem*.¹

In the claim of Katherine Bokenham to the barony of Berners, in 1717, the pedigree of the Petitioner was proved, in part, by several *Inquisitiones post mortem*.²

The writs of *diem clausit extremum*, which authorize the inquisitions, have been found genealogically useful. The Committees of the House of Lords appointed to enquire into the privileges of the Peerage, in tracing the descent of the Earldom of Arundel, made use of the contents of a writ, authorizing an inquisition in Shropshire, on the death of John Fitz Alan, for want of being able to find the inquisition taken in Sussex on his death.³

In the claim of Sir John Shelley Sidney, Bart. to the barony of De L'Isle, ten *Inquisitiones post mortem* were given in evidence before the Committee of the House of Lords in support of the Petitioner's pedigree.⁴

In the claim of Lewis Dymoke, Esq. to the barony of Marmyon of Scrivelsby, in 1816 and 1818, fourteen *Inquisitiones post mortem* were given in evidence before the Committee of the House of Lords in support of the Petitioner's pedigree.⁵

In the Banbury Peerage case, by an *inquisition* taken at Burford, in 1632, it was found that the Earl died *without heirs male of his body*; and by another *inquisition* taken seven years afterwards at Abingdon, it was found that Edward, then Earl of Banbury, *was his son and next heir*, and that he left another son named Nicholas.⁶

In the claim of John Kynaston, Esq. to the barony of Powys, in 1731, three *Inquisitiones post mortem*, on the death of Edward Lord Powes, in 1558, were produced, which in 1585 were by a solemn decision of the court of Wards and Liveries avoided and declared insufficient, two of them from having exceeded the authority of the writ, and the third, because a supersedeas had issued and vacated it.⁷ And in the De L'Isle Peerage, the petitioner's counsel, having (in reply to a question of whether a person left descendants) stated that "in the *inquisition* on the death of the Earl of Warwick, the negative of the fact appeared, he was informed that *inquisitions* were far from being decisive, for that in the claim of the Earl (Baron) Powis, two *inquisitions* were produced expressly contradicting each other,"⁸ and that it would be material he should produce other evidence.

Ralph Basset died in the 13th Richard II. leaving, according to one inquisition, Thomas Earl of Stafford, his cousin and next heir; but according to another inquisition, he left the Earl of Stafford and Alice Chaworth, his cousins and next heirs.⁹

¹ Collins on Baronies by Writ, p. 47.—² Same, p. 333.—³ Peerage Report, p. 415.—

⁴ Minutes of the Evidence, printed 1824.—⁵ Minutes of the Evidence, printed 1818.—

⁶ Cruise on Dignities, 1823, p. 281.—⁷ Collins on Baronies by Writ, p. 399 and 400.—

⁸ Minutes of Evidence on De Lisle Peerage, 1824, p. 123.—⁹ Dugdale's Baronage, vol. i. p. 381. Third General Peerage Report, p. 78.

THE MEMORANDA ROLLS.

5 HENRY III. —1220.¹

TO

5 GEORGE IV.—1825.

UNDER the head Originalia, is an account of certain records, so called, in the Lord Treasurer's Remembrancer's Office, Somerset House, in whose custody also, as connected with his Majesty's Exchequer of account, are the valuable records called Memoranda, commencing in the reign of Henry III. and consisting of the inrolments of a variety of pleadings in suits commenced and prosecuted in that office, according to the course of the common law, with the judgments of the court thereon, particularly upon writs during the existence of the military tenures of Quo Titulo Clamat, and of writs of Quare Maneria, &c. in manibus regis seisiri non debent, of pleadings upon petitions of right grounded on records in that office, pleadings and judgments upon claims of franchises and liberties within cities, boroughs, manors, towns and liberties, pleadings respecting fines, issues, and amerciaments, relating to the estates of the nobility, gentry, and clergy, contained in the estreats delivered in this office from the several courts at Westminster and other jurisdictions, commissions to survey woods and lands belonging to the crown, with the returns thereof, and many other commissions and returns of great value, proceedings of the court of Exchequer, concerning the accounts of the sheriffs, bailiffs, and estreators, and of a variety of matters concerning the charge and discharge of the king's debtors and accountants, the accounts of the greater and lesser accountants of the kingdom, orders of the court of Exchequer on the Remembrancer's side, concerning the land and casual revenue of the crown, entries of presentation and admission of the several officers of the court of Exchequer, and other officers, and of inrolments of private deeds, instruments, and conveyances of estates acknowledged before one of the Barons, or of a Com-

¹ I have inserted the date of 5 Henry III. because the roll of Easter Term in this year is the earliest which I have been able to discover as now existing; but I think some writer has stated these records to begin with the 1 Henry III.

missioner in the country, inrolments of charters, grants, patents, &c. made to religious houses, boroughs, cities and towns, lords of liberties, bishops, colleges, schools, trading companies, and other public bodies, patents of creation of titles, dignities and honours, commissions on attainders or forfeitures, warrants, writs, &c. under the great seal, privy seal, and sign manual. The *Brevia Regia*, which are indorsed on the Memoranda Rolls, are the most antient writs of that description in the kingdom, and in their natures as various as the wishes of sovereigns: in the early time, they are often in the shape of letters.¹

It is impossible to give general heads sufficiently descriptive of the nature of the Memoranda, as they contain such a vast variety of things relating to secular and religious matters.

The pleadings of *Quo titulo*, as well as claims of franchises, and other proceedings, throw great light upon the descent of property, and refer to where the original grants are to be found recorded. The claim of Sir Nicholas Bacon to all fines in the liberty of St. Edmund's, in the county of Suffolk, made in the 1st Elizabeth, traces the original title of the abbey, and the descent of the franchises to himself, which is through several grants and confirmations of grants from the crown to the abbey, afterwards by surrender from the abbey to the crown, and in conclusion by grants from the crown to various persons, and the inheritance from them to their heirs, the particulars of which are set out at great length. The claim of the abbot and convent of St. Edmund, of several liberties granted to them, recites at full length antient charters granted to that abbey from very early times, and among them some granted by Canute and Hardicanute.

In 1795, a folio index to a great part of the Rolls, posterior to the reign of Henry VII. was published by Mr. Jones; and parliament have since ordered a more perfect abstract of the whole to be made, a work which is in progress.²

¹ At the Tower are *Brevia Regia* from 1327 to 1422, but less extensive in their natures than the preceding. They contain writs to sheriffs of all counties, to cause inquisitions to be made for taking extents of manors, with the returns annexed; inquisitions of lands, and pleas of assize, &c. At the Petty Bag Office are *Brevia Regia* from the 9 Car. I. to this time, consisting of writs ad quod damnum; *Dedimus* to swear Masters Extraordinary in Chancery, sheriffs of counties, and justices of the peace; inquiries of damages, *certiorari* to remove records, calling serjeants at law, and returns of writs for electing coroners, verderers, and regards of forests. These last are preserved in bundles, with calendars.—² The authorities for this chapter are, the Record Report, Madox's Exchequer, and Jones's Index to the Memoranda.

SPECIMENS OF THE ENTRIES ON THE ROLLS.

Communia de tmino pasche anno v^{to} R. H. iij.¹

Essex. Mandat' est Vic' qđ Rad' hť respectu' de debitis suis du' est in serviťio dñi R.

Essex. Uxor Wiťfi de Herlane hť respectu' usq' ad Octav' sđi Mich' de debitis dñi R. qđ a mře suo est ab ipa exigunt'.

Glouc. Mandat' est Vic' qđ distringat priore' de launtonay et Walt' de lacy pleg Rogi de Turr' de fine xx. m. qm ipo fecit p delibatione sua a psona. Ita qđ hāt illas xx. m. ad scc'm sup. c'p'm sm.

Cantebr' Hunted'. Mandat' &c. Vič qđ sumon Rog' de Quency qđ sit ad scc'm in octav' sđo Trinit' ad ostendnd warentu' suu' si quid hab de manio de Cestretone tenendo qđ manu' prior de Bernewell clam teñ ad feud' firmā de dño R. p' carta dñi R. et hac &c.

Linc'. Mandat' est Vic' qđ Dñs Rex p'donavit Rad' de Nevill frī Rob' de Nevill de Scottoñ. v. m p' uno palefrido p' ip'm Idē Rob' finē fecit cu' dño R. p' habnda petio'e sua directā Abbi et C'ventui de Burgo ut n recip'et ab eo releviu' de tr'a q'm de eis teñe debuit q relevm ill' solviat p'dco R. du' Abbatia fuit in manu ejus L't Ideo pace h'ere faciat eid. Rad' heredi p'dicti Rob' de p'dictis v. m.

Cantebrg. Wiťf de Hobrūg q' ht' filiā Rob' Picot deb'. C. sol' de relevio ut dic'.

Lincoln. Mandat' est Vic' qđ capiat in mñn dñi R. t'ras q's Wiťfs de Breidelie alianavit postq' fuit in debito dñi R. et qđ eas salvo custodie t'n't qđ de exitibz eār respondeat ad scc'm.

Ebor. Berkscr. Fulco fil' Warini h't respectu' de xl. m. usq' a. die pā in v. sept'.

Hereford in Wall'. Lit'e d'ni R. de C. xx. m Wiťfo de Cantelupo allocandis est in forulo Mariscalli.

Lond. Rog' de Quenci fil' et heres Joh' Com Wintoñ venit ad scc'm die luni p'x añ ascensionē et warrantizavit Thome Nigro Mercerio. domum qđ pat' ip'ius fecit dicto Thome de dono q' fuit Salomonis Judei in Mulestrete et ipam donatione' p'tris sui gratā h'uit et ratam.

Glouernia.

Rob't de Berkeley fil' Man. de Berkeley deb' dcc. li.

De Justiciar' qui p'cipit. cc. m. qš Com Arundell p'misiť p' habnda Custodia t're et heredis Rob't de Tateshale.

Daniel de Dunesden deb' dīm m de m'ia Huť de Dunesdene deb. dīm m de eod. Et sunt Ho'ies Ep'i Sarrebur'.

Henr' de Oily debuit reddisse anno iij. R. xx li de debit. suis. Distringat'.

Berkscr. Heres Huť de Plugenay deb'. ccxl. m. de debit. conšed.

Rob de Chervewell xxxij li. de eod.

Galfridus de Luci deb' c et xlij li. vij s. et iij. d' p' henda custod' t're Rogi de S'co Joh'e. Distringat.

¹ This is a literal copy of the beginning of the earliest Memoranda Roll.

PROOF OF THEIR GENEALOGICAL UTILITY.

In the claim of Margaret Fenys, wife to Sampson Lennard, Esq., to the Barony of Dacres, in the reign of Elizabeth, the heirship of Margaret to the lands and honours of her father, Thomas de Moreton, and her marriage with Ranulphus de Dacre, were proved by an entry on the Memoranda Roll of 6 Edward III., setting forth the payment of 13s. 4d. for their relief as tenants in capite.¹

¹ Collins on Baronies by Writ, p. 47.

THE FRENCH ROLLS.

16 HENRY III. — 1232.

TO

22 EDWARD IV.—1483.

THE records thus called relate to transactions occurring in, or relating to France, whilst part of that country was under the dominion of the English Kings; and the charters and writs entered on the Rolls were transmitted to the Chancery at Westminster for enrolment, because the Exchequer of Westminster had the superintendence over all the countries dependant on the crown of England; several charters also having been tested at London, Westminster, or other places in England, were retained here, and copies only forwarded to the dependant provinces.¹

The Rolls are in number 147, or thereabouts, containing 2 for Henry III. of the 16th and 48th years of his reign; 39 for Edward III. commencing with the 14th year of his reign, and thenceforth having one roll nearly annually; 22 for Richard II. being one roll for each year; 12 for Henry IV. being nearly one roll for each year; 10 for Henry V. being one annually; 40 for Henry VI. being one annually; and 22 for Edward IV. being in the same proportion.² They are preserved at the Tower of London; a catalogue of them was printed by Thomas Carte, Esq. in 1743. This work, which contained calendars of the Norman and Gascon Rolls, as well as of the French, has been more particularly mentioned under the head Norman Rolls.³

The contents of these Rolls are similar to those of their sister records the Norman and Gascon Rolls; a great portion of which contents is enumerated in each of the chapters treating of those documents.

¹ Preface to Carte's Catalogue of French Rolls.—² Powell's Repertoire of Records, 1631.—Holme's Calendar of Tower Records, Lansdowne MSS. 319.—³ Ante, p. 128.

SPECIMENS THEREOF.¹

Pro hominibus ad arma et sagittariis de festinando ad Regem.

Le Roi a nostre cheer et fayal Monseur Johan de Gareyne Conte de Surrei Salutz.

Por ce que nous esperons oue l'eide de DIEU de faire bon honourable et final exploit sur nostre guerre de France si nous soions bien afforciez de noz gentz propres d'Engleterre ; et sur ce mandasmes noz lettres especiales souz nostre grant seal a vous et autres grantz demorantz en nostre dit roialme d'Engleterre de venir a nous afforcement et hastiement od gentz d'armes et archers.

Et vous mandasmes auxi par brief du dit seal, d'estre a Londres lendemayn de Sainte Lucie darrein passe pour avoir vostre conseil et avisement sur cestes choses et autres tocheantes nous et l'estat de nos busoignes ; au queu jour et lieu les Contes d'Arundell et de Huntyngdon et autres grantz granterent bonement lour mercis de venir a nous molt afforcement.

Et si est accorde que le passage se face le primer jour de Mars preschein a venir a Portesmuth si vous prions especialement en l'amur que vous nous devez que considereez nostre necessite et l'onur et profit qu'en avendra od l'eide de Dieu nous volez envoyer au dit passage quarante hommes d'armes et cent archers bons et bien appareillez.

Et si vous viegnez en propre persone si en serrions molt plus leez et si vodrions que vous venisiez ou envoiassez ascun de vostre Conseil a Londres a les ataves de Seint Hiller a plus tart pur treter et acorder od nostre Conseil illeoques sur les Coastoges vos gentz d'armes et archers avant ditz que nous ferrons volunters devers vous come nous fesons as autres grantz en ceo cas.

Et cestes choses facez a ceste foitz monstrant en nostre grant busoigne l'amur que vous nous devez et nous en auerons tien regard que vous vous agreez par resone.

Don' souz nostre grant seal a Westm' le xx jour de Decembre.

Autieux briefs sont mandez a les seigneurs souzscriptz pur trover le noumbre de gentz d'armes et d'archers souzscript souz mesme la date Cestassaver

A Monseur Humfrei de Bohun, Conte de Hereford, pur xl hommes d'armes lx archers.

A Monseur Johan de Moubray, pur lx hommes d'armes xl archers.

A Mons' William de Ros, pur xx hommes d'armes xx archers.

A Mons' Johan de Segrave, pur lx hommes d'armes xl archers.

A Mons' Thomas Wake de Lidell, pur xxx hommes d'armes xxx archers.

A Mons' Johan de Wylughby, pur xx hommes d'armes xx archers.

A Mons' Robert de Scales, pur x hommes d'armes x archers.

A Mons' William de Kerdeston, pur x hommes x archers.

¹ Rot. Franc. 16 Ed. III. m. 11. Transcribed from the *Fœdera*, N. E.

INSTANCES OF GENEALOGICAL UTILITY.

The French Rolls have long been consulted by genealogists ; and the pages of Sir William Dugdale and Arthur Collins, Esq. abound in references to them in support of their compilations. They have, however, been used by those authors who have published genealogical works, more to assist them in the biography of the Barons and great men of antient days, and in illustration of their actions, than as records to prove the dates of births, marriages, and deaths, particulars which are not the primary objects of these Rolls, and which are chief in the Post Mortem Inquisitions, and in some other records.

It must, however, be apparent, that documents containing contracts of marriage, liveries of lands to sons on the death of fathers or ancestors, and releases of dower, are of the greatest importance to the genealogist, though extending to many other objects of less utility to his particular research.

The French Rolls are referred to as authority for parts of the Pedigrees of the ducal families of Howard, Pelham, Clinton, and Percy.¹

¹ Collins's Peerage, edition 1812.

THE ORIGINALIA.

20 HENRY III. — 1235.

TO

5 GEORGE IV.—1825.

IN the Lord Treasurer's Remembrancer's Office at Somerset House, commonly called the Exchequer of Account, are certain records named Estreats, or Originalia, commencing with the 20th year of the reign of Henry III. A.D. 1235.

The Exchequer being the grand conservatory of the king's revenues, hath of charge the land and casual revenues of the crown ; and all matters, deeds, charters, or instruments, in any manner affecting those revenues, must therefore be of record, to answer the record of charge : thus, all lands being the property of the crown, whilst in the crown, must be accounted for in the Exchequer ; and when granted out, it is necessary that the grant should be of record, to warrant the discharge of the original issues, and to charge the grantee, by the process of the court, with the rent and services reserved.

And with respect to the casual revenues arising from fines, issues, and forfeitures, when any charter is granted to a city, borough, or town, forming it into a body politic or corporate, it generally gives some immunities arising from the casual revenue within that city, borough, or town, or it grants fairs or markets, the profits of which had, until then, been accounted for ; and it generally contains some dues, rents, or services reserved to the crown, or from courts of justice created therein, the casual revenues arising in which ought to be returned to the court of Exchequer, to be then dealt with according to the course of the court. And also the commissions of the peace, the patents of creations, the licences of disafforestation, of alienation, to impark, to dispark, patents of inventions, constitutions, or patents of the officers of the crown, and various other matters, under the

great seal, by reason of their connexion with the Exchequer, are transmitted there from the Petty Bag Office in Chancery, and bear the name of Originals or Originalia.

Also fines and forfeitures set or imposed, as well in the said court of Chancery, as in the courts of King's Bench, Common Pleas, courts of Sessions of the Peace, for counties, cities, boroughs, towns, &c. and before the commissioners of sewers, are likewise turned into this court. There are also entered on the rolls, creations of Peers, and grants of titles, honours, and places.¹

1. From these Rolls, therefore, may be obtained all the names of all

Sheriffs,
Escheators,
Customers,
Comptrollers,
Searchers,
And Fermors :

that they may be called unto accompt.

2. All liveries sued out of the king's hands, that process may be had against the king's tenants for doing of their homage, and answering of their reliefs.

3. All manner of patents granted to any person by the king, wherein is reserved or contained any homage or fealty, or else any yearly rent, or whereby a fee is granted.

4. All manner of commissions to any

Justices of the Peace,
Justices of Sewers,
Justices of other kinds :

that process may be made against them for delivering of recognizances, issues, fines, and amerciaments, taken before them.

5. All manner of commissions directed to any person or persons, to enquire of any lands or tenements, of such as have been offenders to the king. In which commissions, the commissioners have authority to seize the said lands or tenements to the king's use, that process may be had against the said commissioners for the profits thereof.

¹ Jones's Index to the Originalia.—House of Commons Report on Public Records.—Preface to Calendars of the Originalia, printed by order of Parliament.

6. All names of collectors of

Subsidies,
Fifteenths,
Tenths,
And Taxes :

to call them to accompt.

7. All pardons of course, granted of grace for manslaughter, by which, though the life be pardoned, yet the goods of the party so pardoned are forfeited, so that process may go forth to enquire, what goods or chattels he had at the time of the doing of the offence.

8. Also, under the title *diem clausit extremum* are the names of such persons, as the Escheator hath found to be possessed of any office or title for the king by knight's service, on the days of their deaths. And in how many shires the said office was found, and before what Escheator; that in case one office make no mention of any tenure for the king, whereby he should have a right, yet then they may examine all the other shires, whether there be any tenure for the king in them.

Also there are, or should be, all recognizances forfeited to the king in chancery, and charters of denization. And these be the contents of the Original for the most part, which, though it were disused in the Lord Chancellor Cromwell's days, yet it was restored to its former use afterwards.¹

The value of these rolls is also augmented, by the circumstance of their containing entries of, and extracts from, other early rolls, not now in existence.

In the year 1795, Mr. Edward Jones published two folio volumes, being an Index to records called the Originalia and Memoranda; the former commencing with the reign of Henry VIII., and concluding with that of Anne. They are very useful and very imperfect. Since then, the House of Commons, impressed with the value of these documents, has ordered new Calendars of them to be made and printed: the first and second volumes of which index, with fac-simile illustrations, are already published, and commence with the roll of the 20 Henry III. no earlier record of this nature being discoverable: they conclude with the end of the reign of Edward III.; but transcripts have been made, and are ready for printing down to the 11 James I.

¹ Powell's Direction for Search of Records, 1622, pages 30, 31, 32.

SPECIMENS OF ENTRIES ON THE ROLLS.

Norff'. Suff'. Abbas de S^{co} Edm finem fecit cum R. p L^{ta} libr' p quietancia expedi-
cōnis exc'cit' R. quam R. ei fecit de xx millitibz suis tenentibz de eo & Nich' de R. Ita
sciit qđ si omēs predci xx milites nolint intrare in finē illū vs' predcm abbatē idem abbas
integ^o R. solvet ad scēm S^{ci} Mičhis anno, &c. xxviiij L. libr' & si oēs predci milites nollint
int're in finē p singlis eor' qui in finē nō intrabūt decideret predco abbati de finē L. libr' L.
sol' & s eum ad Scēm R. quietum esse fac' & illi qui in finem illum intrabūt quieti erūt de
scutag' predci exccit' si quod p exccitu illo fuit assessum. Et mandat' est vic' Norff' &
Suff' qđ sit in auxilium predco abbati ad dist'ngend' milites suos qui in finem illum int're
nolūt ad eund sūptibz suis in excercit' predcm.¹

Quia R. accepit p inquisiōem quā p Mathm de Columbar' fieri fecit qđ Robtus Wale-
raund nup defunctus qui de R. tenuit in capite diu ante mortē suā dedit & cōcessit Alano
de Plogenet p cartā suā man'ia de Langeford Whaddene & Har'ha cū ptin' suis hnd' &
tenend' eidem Alano & heredibz suis & qđ idem Alanus plenā & pacificā seisinā inde hūit
p unū annū & ampt' & ecia qđ p'fat' Alanus p'tmod' c'cessit p'fato Robto p'dc'a man'ia cum
p'tin' hnda & tenenda eidem Robto & heredibz suis de corpe suo legitime p'creatis de p'fato
Alano & heredibz suis. Ita qđ si idem Robs decederet sine herede de corpe suo legitime
p'creato p'dc'a man'ia p'fato Alano integre re'vtent' & ecia' qđ p'dc'us Robs sine herede de
corpe suo legitime p'creato decessit R. reddidit eidem Alano seisinam man'ior' p'dc'or' Ita
qđ in adventu R. in Angl' Regi inde fac' q'd de jure fuit faciend'. Et mand' est magro
R. de Cliff' esch' cit^a Trentā qđ accepta a p'fato Alano secur' de rōnabili relevio &c. si
releviū ad R. inde p'tineat eidem Alano de man'is p'dc'is cum ptin' tenend' in forma p'dc'a
plenā seisina salvo jure cujuslibz sine diloe h're fac' Dat' ut s^a.

Quia R. accepit p inquisiōem quā p Barthm de Suthelye fieri fecit qđ Robs Wale-
raund dudū ante mortē suā feoffavit Alanū de Plogenet de man'io de Kilpek cū ptin' Ita
qđ idē Alanus hūit plena' & pacifica' seisina' ej'dem man'ii cū ptin' a iiij^{to} die Aug' anno
Dñi H. Regis pa'is R. liij^o usq ad fm bi Clemētis pp' px^o seqns & qđ idem Alanus in
p'dc'o festo Sc'i Clemētis f'ididit p'dc'm man'iū cū ptin' una cū balfia Haye Heref' p'fato R.
Waleraund tenend' ad tota' vita' sua' p' fine' fc'm in cur' dc'i H. R. patris R. in q^o c'tinet'
qđ post morte' dc'i Robti man'iū p'dc'm una cum dc'a balfia p'fato Alano & heredibz suis
rev'let' R. cepit fidelitate' p'fati Alani de man'io p'dc'o tali sciit c'diōe qđ idem Alanus
in adve'tu R. in Angl' ad R. veniat, &c. ut sup^a.

Et mand' est magro Ric'o de Cliff' esch' cit^a Trenta' q'd accepta secur' de rōnabili re-
levio, &c. si releviū inde ad R. p'tineat eidem Alano de man'io & balfia p'dc'is cum p'tin'
plenam seisinam sine diloe h're faciat. Dat' &c. ut s^a.²

¹ Originalia, 28 Hen. III.—² Originalia, 1 Edw. I.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

The Lords Committee appointed to inquire into all matters touching the dignity of a Peer of the Realm, refer to the Originalia five several times, in support of the descent of the Earldom of Arundel.¹

In the claim of Lewis Dymoke, Esq. to the Barony of Marmyon, the Originalia Rolls of the 23 Edward III. and of the 3 Henry V. were produced before the Committee of the House of Lords, in support of the Petitioner's Pedigree and claim.²

In the Berkeley Pedigree, which was drawn up by Sir William Dugdale with great labour, the Originalia Rolls are quoted in proof of the death and possessions of Maurice de Berkely, who died in the reign of Henry VII.³

In the Pedigree of the Darcy family, Sir William Dugdale mentions, that they then enjoyed an annuity, payable by the crown, which had been granted to their ancestor by Edward III., and the Originalia Rolls are alone referred to in support of the statement.

In the Talbot Pedigree, the Originalia Roll of 10 Edward IV. is referred to by Sir William Dugdale, to prove the marriage of Sir George Vere, Knight, with Margaret, sister, and one of the heirs of Thomas Earl of Shrewsbury.⁴

¹ Peerage Report, 1823, pp. 418, 419.—² Minutes of the Marmyon Peerage, p. 23, 33.—
³ Baronage, vol. I. p. 367.—⁴ Baronage, vol. I. p. 331.

THE GASCON ROLLS.

26 HENRY III.—1241.

TO

39 HENRY VI.—1460.

THESE records are preserved at the Tower of London, and relate to the affairs of, or to transactions which took place in Gascony, whilst that province was under the dominion of England. The cause of having the Rolls of Gascony in England, is the same as previously stated for having the French Rolls in this kingdom.¹

There are about 131 Gascony Rolls, viz. 5 for the reign of Henry III. ; 16 for Edward I. ; 7 for Edward II. ; 51 for Edward III. ; 16 for Richard II. ; 7 for Henry IV. ; 5 for Henry V. ; 24 for Henry VI.²

A catalogue of them was published in 1743, by Thomas Carte, Esq. containing in addition the Norman and French Rolls, under the description of which records it has been more particularly noticed.³

The following are some of the contents of the Gascon Rolls.

Grants of lands, of fairs, of rent charges, of liberties to individuals and boroughs, of markets, of the goods and chattels of deceased tenants in capite.

Licences to receive seizin of lands, to inclose forest lands, to contract marriage, to have safe conduct, to erect mills, fortresses, fortified mansions, for widows to receive dower, to seize possessions, to have duels, to have trials, to make compositions, to give seizin to sons of their fathers' possessions, to alienate, to remain at home on account of illness.

Orders for payment of money, to prepare for the king's service, to reduce fines due from the king's tenants, to complete buildings, to enquire as to lands in mortmain, to do justice, to enquire the extent, boundaries, and value of

¹ Vide French Rolls, Ante, p. 155.—² Powell's Repertorie of Records, London, 1631.—Holmes's Tower Records, Lansdowne MSS. 319.—³ Ante, p. 128.

lands of tenants in capite, concerning the coinage, to commit to prison, for the execution of wills, to annul sales of lands, concerning soldiers.

Appointments to places, oaths of kings and subjects, oaths of fealty, treaties of peace, confirmations of charters, contracts of marriage, letters credential, pardons to noblemen and others, releases of dower.

In the College of Arms are (or ought to be) abstracts of them from the reign of Henry III. to that of Henry VI.¹ In the Bodleian Library they may be found from the 15 to the 44 of Edward III.²

SPECIMENS THEREOF.

De matrimonio contrahendo inter Comitem Tholos' et Margaretam filiam Comitis Marchiæ.

Rex omnibus, &c. salutem. Sciatis quod bona fide promittimus Karissimo Consanguineo nostro nobili viro R. Comiti Tholos' & Marchioni Provinc', quod modis, quibus poterimus, laborabimus per nos et amicos & fideles nostros quod idem comes ducat in uxorem Margaretam sororem nostram filiam Comitis Marchiæ et Engol' ad terminum quem idem Comes Tholos' nobis scire fecerit, quando ad nos venerit. In cujus, &c.

Teste Rege, apud Taylleburg' xxx die Junii.¹

Litera Regis Wilhelmo de l'Eparr', quod in occursum suum cum debito servitio suo veniat.

Rex Aquenvill' del Sparr' Salutem. Mandamus vobis rogantes quatenus in fide quâ nobis tenemini, sitis apud Sanctam Basiliam, in festo Sancti Matthæi, in Octabis exaltationis Sanctæ Crucis; cum toto servitio vestro nobis debito, in occursum nostrum, vel aliquorum de nostris, quos tunc illuc loco nostro mittemus:

Ita parati equis et armis ad eundum in servitium nostrum, quod inde vobis grates scire debeamus.

Perquiratis etiam nobis totam bonam gentem quam vobiscum ducere poteritis ad denarios nostros, et nos solidos suos, à die quâ iter arripuerint ad veniendum in servitium nostrum, ei reddi faciemus. In cujus, &c. Teste Rege apud Burdeg' undecimo die Septembris.²

De quibusdam secretis Regi Scotiæ reserandis.

Rex misit Simonem de Monteforti Comitem Leycestræ ad Regem Scotiæ, in cujus ore posuit quædam secreta, de quibus sollicitus fuit, eidem Regi reseranda. Et mandatum est eidem Regi quod hiis, quæ idem Comes ei exponet, ex parte Regis, fidem adhibeat. In cujus, &c. Teste Rege apud Burdeg', xxv die Augusti.³

De Conductu pro Hugone Duce Burgundiæ.

Rex omnibus ballivis et fidelibus suis Vasconiæ ad quos, &c. salutem.

Sciatis quod recepimus in salvo et securo conductu, et guidagio nostro, nobilem virum Hugonem Ducem Burgundiæ qui in brevi ad Sanctum Jacobum p'regre profecturus est, et omnes illos, quos secum duxerit, & omnia sua in eundo per totum districtum vestrum in peregrinatione prædictâ, morando, & redeundo.

Et ideò vobis mandamus quod, ipsum ducem et suos honorificè admittentes, illi, vel alicui de suis, nullum gravamen, seu injuriam inferatis, aut inferri permittatis.

Et, si quid fortè ei, vel suis forisfactum fuerit, id eis sine dilatione faciatis emendari.

In cujus rei, &c. Duraturus usque ad festum omnium Sanctorum proximo futurum.

Data apud silvam majorem, xii die Martii, anno regni domini, &c.⁴

¹ 26 Hen. III. m. 13.—² 26 Hen. III. m. 7.—³ Pat. Vascon. 37 & 38 Hen. III. m. 8. p. 2.—⁴ 39 Hen. III. m. 9.

INSTANCES OF GENEALOGICAL UTILITY.

The Gascony Roll of 22 Edward IV. was produced before the Committee of the House of Lords, in 1804, in support of the claim of Lady Henry Fitzgerald to the Barony of Roos, there being entered on that Roll a writ of summons to William de Roos, one of the petitioner's ancestors, to attend the parliament.¹

The privilege of Henry III. for the marriage of Raymund, Count of Toulouse, with one of his family, is entered on the Gascony Rolls.²

The licence of Edward I. for a marriage between Constance de Bearn, who had been married to Henry, son of Richard, King of the Romans, and Aymon III. Count of Geneva, is entered on the Gascony Rolls.³

The assent of Henry III. to the marriage of his son Prince Edward, afterwards Edward I., with Eleanor, sister of Alfonso, King of Castile, is entered on the Gascony Rolls.⁴

The licence of marriage between Alphonso, King of Arragon, with Eleanor, daughter of Edward I. is entered on the Gascony Rolls.⁵ This marriage took place by proxy, and was never consummated, in consequence of the death of Alphonso; the lady, however, claimed her dower, and the order for it is also on the Gascony Rolls.

Sir William Dugdale and Mr. Collins have proved, by their innumerable references to the Gascony Rolls, (*Rotuli Vasconiaë*) how instrumental they were to them in their compilations of the Baronage and Peerage.

¹ Roos Peerage Minutes, p. 6.—² Rot. 26 Henry III.—³ Rot. 7 Edward I.—⁴ Rot. 37 Henry III.—⁵ Rot. 10 Edward I.

COPYHOLD COURT ROLLS, ANTIENT DEMESNE ROLLS.

1 EDWARD I.—1272.

TO

5 GEORGE IV.—1825.

MANORS, so called from the French Manoir, or the Latin Manendo, though in substance, perhaps, as antient as the Saxon constitution, are considered by the best writers on English antiquities as of Norman introduction. Dugdale says, the reign of Edward the Confessor is the first in which they are mentioned.¹

Every lord of a manor, holding immediately of the crown, was, during the first century after the Conquest, deemed a baron, and his manor a barony.²

To every manor was appendant a jurisdiction, and a court, called the court baron.³

The persons employed in servitude within manors, originally belonged, both they, their children, and effects, to the lord of the soil, like the rest of the cattle or stock upon it. They were called Villani, or Villeins, either from the word Vilis, or, as Sir Edward Coke says, from Villa, because they lived in villages.⁴

Villeins and their children having been permitted to enjoy their possessions without interruption in a regular course of descent, the common law, of which custom is the life, gave them title to prescribe against their lords, and, on performance of the same services, to hold their lands in spite of any determination of the lord's will. For though, in general, they are still said to hold their estates at the will of the lord, yet it is such a will as is agree-

¹ General Introduction to Domesday, p. lxxii — ² Cruise on Dignities, Second Edition, p. 26, who cites Spelman. — ³ Cruise, p. 27. — ⁴ General Introduction to Domesday, p. xxiii.

able to the custom of the manor, which customs are preserved and evidenced by the *Rolls* of the several Courts Baron in which they are entered, or kept on foot by the constant immemorial usage of the several manors in which the lands lie. And as such tenants had nothing to shew for their estates, but these customs, and admissions in pursuance of them, entered on these rolls, or the copies of such entries witnessed by the steward, they now began to be called *tenants by copy of court roll*, and their tenure itself a *copyhold*. Thus, copyhold tenures, Sir Edward Coke observes, though very meanly descended, yet come of an antient house, and *the lord's will* affords a substantial reason for the great variety of customs prevailing in different manors, with regard both to the descent of the estates and the privileges belonging to the tenants.¹

Those manors which, by Domesday Book, appear to have belonged to the crown at that period, are called Antient Demesne: they amount to 1422. The tenants were entitled to some peculiar privileges.

The number of other manors mentioned in Domesday is very great. Earl Moretaine held 793; Alan, Earl of Bretagne, 442; Odo, Bishop of Baieux, 439; the Bishop of Coutance, 280; Roger de Bassi, 174; Ilbert de Laci, 164; William Peverel, 162; Robert de Stadford, 150; Roger de Laci, 116: forming a total of 2720 manors, given to nine persons.²

The lords of manors, in process of time, often divided their manors into two parts, retaining one for their own support, and partly cultivated by their villeins and copyholders, and called their demesnes; the other parcelled out among their dependants, who returned them services. Such was the history, and such the multiplication of manors, in the times immediately succeeding the Norman Conquest.³

The practice of creating inferior manors was effectually prevented by Edward I. in 1290, by the statute of *Quia Emptores Terrarum*, which reciting the inconveniences arising from subinfeudations, that is, from feoffments of lands to be held of the feoffers, enacted that upon every future conveyance of land, the grantee should hold of the chief lord, and not of the grantor. These provisions were extended to the king's own tenants in capite, by the statutes *Prerogativa Regis* of 17 Edward II. c. 6. and 4 Edward III. c. 15.⁴

¹ General Introduction to Domesday, p. xxv.—² General Introduction to Domesday, p. lxxii.
³ General Introduction to Domesday, p. lxxiv.—⁴ Cruise, p. 25.

From what has been premised, it will be apparent, that few title-deeds are of such antiquity as the Rolls of Courts of Copyhold and Antient Demesne. In the transfer of property from poor to rich, which perpetually is and has been taking place, lawyers, to obviate difficulties, generally show no more title than is absolutely necessary ; a period of about sixty years, and all older deeds are, in the course of time, destroyed or lost ; but this is not the case on the transfer of Manors, the court rolls of which being public documents, and in the nature of public property, are preserved with care, and duly handed over to each successor or purchaser of the manor. It is not uncommon to find these rolls commencing in the reign of our earliest Edward.

Copyhold Court Rolls may be of the greatest utility to the genealogist. They contain the names, residences, and descriptions of the tenants ; the lands they hold of the manor ; how they acquired them, whether on the death of relations as heirs, or by devise, or by purchase. They contain the dates of the tenants' deaths, their wills (if any), their marriages, the deaths or survivorship of their wives, and their heirs, if they died without wills.

Nothing can be more complete than such information ; and when we consider how seldom families in the country expatriate themselves from the parish or district where their fathers and forefathers resided, and that the very same families are still often found in the modern, as in the most antient, rolls of manors, we shall perceive that such tenants would probably be able, with very little trouble, to trace their ancestors, and obtain particulars of their families, for three or four centuries past. In a metropolis, especially in the metropolis of a commercial country, there is a constant influx of inhabitants from the country, so that the preceding remarks will apply but little to the possessors of property there dwelling, or residing in its suburbs ; but it is otherwise in the country. It will be sufficient to mention one instance, out of innumerable examples which might be easily adduced, of the locality of families residing in the country, as well high as low. The descendants of Purkis, the man who carried William Rufus' body out of the New Forest after he was slain, still reside in the New Forest, and are still called Purkis.

It is agreed by all men, that there were never any bondmen or villaines in Kent, neither were they there so much bounden to the gentry by Copy-

hold or customary Tenures, as the inhabitants of the western countries, for Copyhold Tenure is rare in Kent.¹

The Court Rolls of the Honours and Manors belonging to the crown, are arranged by catalogues in their proper order of date, from Henry VIII. to the present time, and preserved at the Land Revenue Office. On the search for records in the Long Gallery over the Exchequer Court in Westminster Hall, some years since, the Court Rolls of Honours and Manors were found from the reign of Edward II. to Charles II.; many contain a regular series, but some are deficient in that respect. The rolls of manors formerly possessed by the crown, and of many of those belonging to the dissolved religious houses, from the reign of Edward I. to Henry VIII. are in the care of the Augmentation Office.² In the British Museum, and the Public Libraries of Oxford and Cambridge, are further records of this description.

The Court Rolls of Manors formerly in possession of the crown, by attainder, escheat, exchange, forfeiture, purchase, or other causes, chiefly from Edward I. to Henry VIII. are in the Chapter House.

¹ Lambarde's Kent.

² Ho, Com. Report on Public Records, 1800.

SPECIMEN OF AN ENTRY ON A COPYHOLD COURT ROLL.

The Manor of — } The Court Baron of John Philips, Esq^{re}., William Lightfoote,
in the County of — } Gentleman, and Anne Philips, widow, executors of the last will
and testament of Francis Philips, Esq. deceased, Lords of the
Manor of — in the County of — there holden, on Monday,
the 29 day of July, in the 30 year of the reign of our Lord
Charles the II., &c. 1678. Before John Brockett, Gent. for y^t
turn only, dep^y to Geo. Benyon, Gent. steward there.

The Homage, John Osborne,	} Sworn.	John Franklin,	} Sworn.
John Palmer,		William Pett,	
John Winhall,		Francis Runnager,	

At this Court it is presented by y^e Homage, y^t Rob^t. Wolrich, Esq. in his life time, held to him and his heirs of y^e L^{'ds} of y^e s^d manor as of y^e manor af^d by copy of Court Roll, one moiety of all that customary messuage (&c.) formerly the messuage and lands of Thomas Powell, Henry Osborne, and Martha his wife; now in the tenure or occupation of John Osborne, Nicholas Layton, and William Wells. And y^t y^e s^d Rob^t Wolrich and Sarah his wife, held y^e other moiety of y^e s^d messuage (&c.) for y^e term of y^e lives of y^m y^e s^d Robert and Sarah, and y^e life of y^e longest liver of y^m wth rem^r of one moiety to Sarah Wolrich, da^{ur} of y^e afs^d Rob^t. and Sarah his wife, and now y^e wife of S^r John Hewley, Kn^t. and her heirs for ever. And rem^r of y^e o^r moiety to Dorcas Wolrich (an^r da^{ur} of y^e s^d Rob^t. Wolrich and Sarah his wife) and her h^{rs} and ass. for ever. And y^t y^e s^d Rob^t. Wolrich and Sarah his wife, and y^e s^d Dorcas, and every of y^m heretofore died. And y^t by and after y^e death of y^e s^d Rob^t. Wolrich and Sarah his wife, one moiety of (&c.) descended to y^e s^d Sarah, now y^e wife of y^e s^d S^r John Hewley, as da^{ur} and heir of the s^d Rob^t. Wolrich. And y^t by and after y^e death of y^e s^d Dorcas, one moiety of (&c.) likewise descended to y^e s^d Sarah, as sister and next heir to the said Dorcas. And afterwards, at y^e same court, came y^e s^d Sir John Hewley and Sarah his wife, in their proper persons, and prayed y^e s^d Sarah to be admitted tenant to the premises aforesaid. To whom y^e L^{'ds} afs^d by y^e dep^{ty} stew^d af^d granted y^e pre^mes af^d wth y^e appur^ts out of their hands, and d^d unto her seizin thereof by y^e rod. To have and to hold the pre^mes af^d wth y^e appur^ts unto y^e s^d Sarah and her heirs for ever. To be held of y^e L^{'ds} af^d by y^e rod, at y^e will of y^e L^{'ds} acc['] to y^e custom of y^e manor af^d, by y^e annual rent of xxij^s. viij^d. and other customs and services therefore formerly due, and of right accustomed. And she gave to y^e L^{'ds} for a fine xxij^s. viij^d.; and vs. in the name of an heriot, because y^e s^d Rob^t. had no beast, and she is admitted tenant thereof.

PROOFS OF THEIR GENEALOGICAL UTILITY.

The Alnwick Court Rolls are cited in the Percy Pedigree, to prove “ that Eleanor, the daughter of Laurence and Matilda Acton, after the death of her first husband, Sir Ralph Percy, in 1464, was married secondly to John Carlysle, Esq. who appears in 1474, to have possessed his estates in Shilbottle, Hasand, &c. in right of her, his said wife ; but that he died before 1498, when she was still a widow, as appeared in a rental of the barony of Alnwick, 14 Henry VII.”¹

Shakspeare's Pedigree is known solely by the entries on the Court Rolls of the manor of Rowington. “ It there appears, that John Shakspeare; the eldest son of Richard, died in 1609, and that Thomas Shakspeare was admitted to the Hill Farm, as his son and heir. This Thomas, from his will, which was made in 1614, appears to have been a mealman or baker, and lived at Moulsey End, in Rowington, May 5, 1614 ; his widow was admitted in the court baron to her free bench, and afterwards surrendered to her son John, who was then admitted accordingly. He died in Feb. 1652-3, leaving two sons, William, who died in 1690, and John, who died in 1710.”² No less than five descents appear in this instance on the Copyhold Court Rolls : there may possibly be further particulars upon them.

¹ Collins Peerage, vol. II. p. 361, 5th Edition.—² Malone's Life of Shakspeare.

CORONER'S ROLLS.

1 EDWARD I.—1272.

TO

6 GEORGE IV.—1826.

THE office of Coroner is so antient, that in the 3 of Edward I. an act was made to prevent abuses in the office, and in the next year it was by statute declared, that a Coroner's duty was to go to the places where any be slain, or suddenly dead or wounded, or where houses were broken, or where treasure was said to be found, and inquiry was to be made of persons culpable, and the inquisition thereon "*was to be written in Rolls;*" and the Coroner was to make further inquiry what goods the culpable had, what corn he had in his graunge; if a freeman, how much land he had, and what it was worth yearly, and what corn he had upon the ground. His duty was also to attach parties on appeal of rape, on appeal of wounds. The particulars of "*all which things are to be inrolled in the Roll of the Coroners.*"

From the foregoing extract it will be seen what the Coroner's Rolls antiently contained. But now, unless by custom, as in Northumberland and elsewhere, no Coroner can take inquisition but on death.

There are particular Coroners for every county of England; sometimes two, four, or six. There are also special Coroners within divers liberties, as the Coroner of the Verge of the King's Court, of the King's Bench Prison, of the City of London, the Borough of Southwark, and for cities which are counties in themselves.

The Coroner's Inquests should contain the effect of the evidence, and, when signed and sealed by the Coroner and Jury, ought to be inrolled and returned to the justices of the next gaol delivery of the county, or certified into the King's Bench.

Antiently they were returned to the Crown Office, and filed along with the indictments and informations; but the practice of returning them to that

court has been for many years discontinued; and many have been consequently either lost after a few years, or now remain in the hands of private individuals having no right to them, no knowledge of their contents, and no wish even to preserve them.

At the Chapter House, Westminster, are Coroner's Rolls or Inquisitions in the reigns of Edward I., II., III., Richard II., Henry IV.; they are not indexed.

The modern Coroner's Inquisitions, such of them at least as exist, must be searched for at the respective Coroner's offices; but all inquisitions taken on view of the bodies of prisoners of the King's Bench, who have died from 1771 to 1826, are at the Crown Office: those inquisitions on which proceedings have subsequently taken place, as where the jurors have found verdicts of murder, manslaughter, and the like, should be searched for at the office of clerk of the assize, of clerk of the court, where the further investigation occurred.

It is a part of the Coroner's duty to hold inquests on the bodies of persons dying in hospitals, whose deaths have arisen from accidents.¹

I have not met with any instance of these Rolls having been used as evidence for genealogical purposes.

¹ Acts 3, Edward I. c. x.—4, Edward I. statute 2.—Ho. Com. Report on Public Records.—Personal Inquiries.

SPECIMEN OF ONE, 1378.

WILTS.

¹ De morte Riči Goldone de Bottenhām de Hundr' suḡde'o sup visu Corporis ejusdem Riči.

Inquiſ capta apud Bottenhām coram Joḡne Cole coronatore suḡdēi die dñica p̄x ante f'm nativitatis be Marie anno regni Regis Riči s̄di post conq̄m s̄do de morte Riči Goldone p sac̄m Joḡis Bereford Joḡis Coupe Joḡis Rhot Riči Forster Wiſſi Benet Joḡis Mouster Joḡnis Soḡtone Wiſſi Lyshog Luce Page Wiſſi Atte Breche Joḡnis Swenyng et Rob̄ti Brew Jurat' et p sac̄m quatuor villatař p̄pinquior vz' Bottenhām Nouton Wytheton et Charleton qui dicūt p sac̄m suū qđ Ričus Goldone die lune in viḡ s̄i Barthi anno R Rič s̄di post conq̄m s̄do piscavit in ripa que currit int' langford et Bottenhām in quod' loco vocato la Wynťshere et suḡvēit quidam Joḡnes Stote et invenit iḡm piscantē in ripa p̄dca et ei cū quadam hasta insultā fecit et cū eadē iḡm in capite pcussit vulneravit et ad terram p̄jecit p quod die veñris p̄x' post f'm s̄i Egidii' a' suḡdēo idem Ričus obiit domo sua p̄pa apud Bottenhām ad quā se diḡtebat' immediate post lesionē suḡdictā et jurā hūit ecclesiastica et dicūt qđ dict' Joḡnes Scote incontīnēti se ret'xit causa felonie p̄dce Et qđ idē Joḡnes h̄t bona et catall' ad valens vj.s viij.d unde vill de Bottenhām respondebit, &c.

Vicini p̄x'i	$\left\{ \begin{array}{l} \text{Joḡes Goldone,} \\ \text{Wiſſus Horn,} \\ \text{Joḡnes Hobbys,} \\ \text{Elyas Roolf,} \end{array} \right.$	$\left. \vphantom{\begin{array}{l} \text{Joḡes Goldone,} \\ \text{Wiſſus Horn,} \\ \text{Joḡnes Hobbys,} \\ \text{Elyas Roolf,} \end{array}} \right\}$	m p	$\left\{ \begin{array}{l} \text{Joh'nem Coupe,} \\ \text{Joh'nem Hert,} \\ \text{Joh'nem Mouster,} \\ \text{Joh'nem Swet,} \end{array} \right.$
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¹ From the Original Record in the Chapter House, Westminster.

PRIVY SEALS.

1 EDWARD I.—1272.

TO

6 GEORGE IV.—1826.

WHEN the Signet Bill with the King's signature (see Signet Bills) has arrived at the Signet Office, an attested transcript, under the hand of the clerk or deputy, is made and handed over to the Privy Seal Office, with a direction, addressed to the Lord Privy Seal, that "he cause these our letters to be directed to our Chancellor of Great Britain, commanding him that under our great seal of Great Britain, (in his custody being,) he cause these our letters to be made for the patent in form following." And at the foot of this instrument, "And these our letters shall be your sufficient warrant and discharge, given under our signet, at the Palace at Westminster, the

day of," &c. To this instrument, the King's signet (being one of the seals in the hands of the Secretary of State) is affixed. This is the warrant to the Lord Privy Seal, and remains in his hands. A similar transcript, with the addition at the head of it, addressed to the Lord Chancellor, to cause letters patents to be passed conformably thereto, has the Privy Seal affixed to it.

This last transcript, called the Privy Seal, is lodged at the Crown Office, or Clerk of the Letters Patent, in Chancery, where it is opened. The Privy Seal is taken off, and an engrossment made of it. The whole are then left at the Lord Chancellor's; and, if he should see no objection, he writes his name in the margin of the parchment, and the great seal is affixed to the engrossment, which completes the grant. The instrument called the Privy Seal being returned to the office which engrossed the Letters Patent for the Great Seal, is, after a certain time, removed to the Petty Bag Office and thence to the Rolls, where it remains on record.

Sometimes the Privy Seal contains a preamble or recital omitted in the patent, and therefore becomes a valuable document :—an instance of this description is in the Privy Seal creating Adam Loftus Viscount Loftus of Elye, in 1622.¹

As the contents of the Privy Seals are generally, and ought invariably to be, entered on the Patent Rolls, there is not often occasion to make searches for them ; there are, however, not wanting instances of omissions of their inrollment, arising from civil wars, neglect, or other circumstances.

Edward I to Richard III.	}	Privy Seal Warrants of these periods are in the Tower.
Henry VII. and Henry VIII.	}	Privy Seals for loans of money, in these reigns, are at the Exchequer receipt.
Henry VII. to George III.	{	Privy Seals for this period (some years of the civil wars excepted) are at the Rolls chapel. The Chapter House, Westminster, has Privy Seal warrants for the whole of the reign of James I. and part of that of Charles I. The Privy Seals during the expedition of Charles, Prince of Wales, into Spain, are at the Duchy of Cornwall office.
George IV.	{	The Privy Seals for this, and some few years of the last reign, are at the Petty Bag Office, and Six Clerks.

There are no regular indexes of the Privy Seals, but there are various calendars or notes of them in the undermentioned libraries :—

1 Edward I. to 48 Elizabeth.	}	Calendar of the Rolls and Privy Seals in the Pell Office. Lansdowne MSS. 254.
Edward V. to Richard III.	}	Register of Grants which passed the Privy Seal, Signet, or Sign Manual. Formerly Lord Treasurer Burleigh's. Harleian MSS.

¹ Collins' Peerage, Edition 1812, vol. IX. p. 34.

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|-------------------------------------|---|---|
| 1 Hen. VIII.
to
18 Hen. VIII. | } | Catalogue of Rolls and Privy Seals in the Pell Office.—
Bodleian MSS. |
| 4 Edward VI.
to
7 Edward VI. | | Note of all the Bills signed by the King and Council.—
Royal MSS. British Museum, 18 C. xxiv. |
| 1 Elizabeth
to
25 Elizabeth. | } | Privy Seals granted during these years. — Lansdowne
MSS. 276. |
| 13 Elizabeth
to
George IV. | | Docket books, containing abstracts of all the grants and
appointments passed during these reigns: there is a
chasm from 1580 to 1600, and during the civil wars.
These are the only books of entry kept at the Privy
Seal Office. |
| 1 James I.
to
22 James I. | } | A calendar of Privy Seal Warrants granted during these
years, is at the Chapter House, as are also the original
warrants. |
| 9 Charles I.
to
11 Anne. | | Seven large volumes of Privy Seal Warrants. —Har-
leian MSS. 7344 to 7351. |
| 4 James II.
to
4 Wm. & Mary. | } | Dockets of all Grants of any part of their Majesties'
Revenue, either of lands, woods, money, or any other
profits passed the Privy Seal.—Harleian MSS. 7639. |
| 4 & 5 Anne. | | Privy Seals for these years.—Harleian MSS. 6840. |
| 8 Anne
to
10 Anne. | } | Three volumes of Dockets and Letters, which belonged to
John Holles, Duke of Newcastle, as Lord Privy Seal
to Queen Anne.—Harleian MSS. |
| 9 Anne
to
5 George I. | | In the Middle Temple Library are Dockets of things that
passed the Great Seal by Privy Seal, or by immediate
warrant. |

SPECIMENS 1483 AND 1826.

M^a qd xii die februarii anno r^g's infrascr' istud br'e liberat' fuit d'no Cancellar' Angl' apud Westm' exequend'.

¹ Richard by the grace of God King of England and of Fraunce and Lord of Irland To the Reverend fader in God John Bishop of Lincoln, oure Chaunceller, greting: We late you wite, that we of oure espial grace, in consideration of the true and faithfull service that our welbeloved serv^{ant} Robert Smalwode, one of the yemen of oure Corone, hath doon, and during his lif entendith to doo, have yeven and graunted unto him the keping of oure parc of Langley Marreys; to have and occupie bi him or his sufficient depute for terme of his life, with the wags, fees, profites, comodities, and advailes to the same office due and accustomed to be had and pceived in maner heretofore used. We therfore wol and charge you, that under oure greet seal herupon ye doo make oure tres patent in due fourme. Yeven under oure prive seal at oure Palays of Westm' the viij day of Fevrier, the furst yere our reign.

HORWOD.

M^a qd vii die martii anno subscr' istud br'e liberat' fuit d'no Cancellario Angl' apud Westm' exequend'.

¹ Richard by the grace of God King of England and of Fraunce and Lord of Irland To the Rev^{end} fader in God John Bisshop of Lincoln, our Chaunceller, greting: For asmoche. as we, in consideracon of the goode and true s^{vice} whiche our welbeloved subject John Dighton hath doon unto us, and during his life entendith to doo, have yeven and graunted unto him th' office of haillief of our town and lordship of Ayton in our Countie of Stafford, now being in our yift and disposition, to haue and occupie the said office by him or by his deputie sufficient for tyme of his lif, w^t the wags, fees, proffits, comoditees, and advailes to the said office belonging and of olde tyme due and accustomed to be pceived, in as large and ample fo^{rme} as eny oth^r psonne heretofor' occupying the same office had or pceived in or for the same; Tho' exp^{sse} mencon of the v^{ray} yerely value thereof is not herin specified, or any acte, statut, or orden^{ance} to the contrary herof had or made notw^{standing}. Therfor we woll and charge you, that under our grete seel ye do make herupon our tres patent in due and sufficient fo^{rme}. Yeven under our p^{rive} seel at o^r Palays of Westm' the vth day of Marche, the furst yer' of our reigne.

TILGHMAN.

George the Fourth, &c. to our right trusty and right well beloved Cousin and Councillor, John Earl of Eldon, our Chancellor, &c.: We will and command, that under our Great Seal of our said United Kingdom, (remaining in your custody,) you cause these our letters to be made forth patent in form following: George the Fourth, &c. In witness, &c. witness, &c. Given under our Privy Seal, at our Palace of Westminster, the 21st day of February, in the sixth year of our reign.

Examined, JOHN G. DONNE.

Received the 26th day of February, 1825.

ELDON, C.

¹ From the Tower of London.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

A Privy Seal for Loan of Money to Charles I. was used as part of the evidence to prove the claim and title of Katherine, wife of Richard Bokenham, to the Barony of Berners in 1717.¹

In the claim of Sir Cecil Bishopp, in the year 1804, to the Barony of Zouche, evidence having been given before the Committee of the House of Lords, of a search at the Rolls for letters patent of creation of the Barony of Zouche, (and where it was not found,) the counsel were asked if any search had been made in the several offices, for the steps that would have preceded the patent, as in the Warrant Office, *and Privy Seal Office*; and having answered in the negative, they were directed to make those searches.²

In the claim of Charles Augustus Ellis, in the year 1784, to be Lord Howard of Walden, by virtue of a writ of summons to one of his ancestors, evidence was given that no patent of creation of that title could be found inrolled, *or any preliminary proceeding at the Privy Seal Office*; and the Attorney General having objected to the searches being made partially, *a more particular search was made at the Privy Seal* and other offices.³

In the claim of Sir John Shelley Sydney, Bart. to the Peerage of De L'Isle, the letters patent of Charles I. creating the title of Duchess of Dudley could not be discovered, nor any inrollment of them; and after evidence had been given of the search at the proper offices, *including a search at the Privy Seal Office*, a copy from the records of the College of Arms was allowed, by consent, to be given in evidence.⁴

¹ Collins on Baronies by writ, p. 354.—² Minutes of Evidence in the Zouche Peerage, p. 164.—³ Minutes of Evidence in the Howard Peerage, p. 12, 20.—⁴ Minutes of De L'Isle Peerage, 1826, p. 18.

ESCHEAT ROLLS.

1 EDWARD I.—1272.

TO

6 GEORGE IV.—1826.

THESE contain the Escheator's accounts of lands and property escheated to the crown from various causes, and the profits of the same.

The bundles of them begin only with the reign of Henry III. or of Edward I., though, from several great Rolls of the Pipe, of the time of Stephen, Henry II., Richard, and John, it appears that the Escheats had long before that period made part of the revenues of the crown, the profits arising thereby being accounted for. The extract given as a specimen is from the oldest known Roll, and may be of the reign of Henry III. but it has no date. When we consider the continued oppression of the nobility by our kings in early times, and the destruction of noble families by the civil wars in the reigns of the Henrys and Edwards, it may be presumed that the Escheat Rolls relate to about one-third of the whole antient peerage, and to a great proportion of the best families of the kingdom.

It is hardly necessary to state, that, though bearing a name often given to Inquisitions Post Mortem, they are of a different nature, and have different contents. They are to be found at the Augmentation Office, the State Paper Office, the Receipt of the Exchequer, the King's Remembrancer's Office, and the Auditor's Office of the Land Revenue: extracts from some of them are in the British Museum.

I have not met with any instance where these records have been given in evidence for genealogical purposes.

SPECIMEN OF AN ESCHEAT ROLL OF THE LANDS OF
THE NORMANS, SEIZED INTO THE KING'S HANDS.
HENRY III.¹

Hec sūt t're concesse div'sis psonis p R' de t'ris q̄ capte fu'nt in manū dñi R' p inq'sicōm fcam de t'ris Norm'.

Surr'. R' cōmisit Agnet' que fuit ux' Wiffi de Jednes' man'iū de Clopehā cū instaur' et bladīs ejusdē man'i ad se sustentandū q'mdiu R' placu'it.

Norf'. R' mandavit Vic' Norf' qd nō obstante aliq° mandato R' de t'ris Norm' in manū R' capt' pmitat Willm de Quercus excolere et seminare t'ras suas in balliā suā q's cepit in manū R' occone p'dca et ipm de oib; catafl iu eisdē t'ris existentib; p voluntatē suā dispon'e pmitat.

Sussex'. Mandat' est Viç Sussex' q'd de t'ra Wiffi de Sō Leodegar' in Farligh et Skeleshā q'm cepit in manū R' ei plenā seis' h're fac' donec inde aliud h'uit p'ceptū.

Surr'. R' cōmisit Reimundo de Luk t'rā q' fuit Hug' de Dis in Bedinton ad se sustentādū in s'vicio R' q'mdiu R' placu'it.

Northūb. Quia Ada que fuit ux' Johis fil' Robti ht custodiā t'rā que fu'unt p'dcī Johis p finē quē fec' cū dño R' mandat' est Vic' Northumb' q'd de sviçō Wiffi de Takesden quod cep' in manū R' occone p'cepti R' deviant alienatis in manū R' cap' tale' seis' ei h're fac' q' se pius h'uit.

Essex'. Mand' est Vic' Essex' q'd fac' h're Eustachio de Greinvill tale' seis' de tota t'ra sua in Stanburn q'm cep' &c. p p'ceptū suū qualē inde h'uit die q° eā in mān suā cepit.

Linc'. R' cōmisit Theobaldo de Englesheval totā t'rā que fuit Redelli sit' in Wallingsh' in com' Linc' que capta fuit in manū R' occ'one p'd' ad se sustentandū in s'viçō suo q'mdiu Regi placu'it.

Suff. R' cōmisit Walt'o de Lake totā t'rā q'm tenuit in H'ving et que capta fuit in manu' R' occ'one &c. et mandat' est Vic' Suff' q'd faciat h'ere eidē Wiffo tale' inde seis' qualē inde pius h'uit.

¹ From the Original in the Chapter House, Westminster.

ATTAINDER AND PARDON RECORDS.

1 EDWARD I.—1272.

TO

6 GEORGE IV.—1826.

OF ATTAINDER RECORDS.

It may be said, that in this country a family can have little claim to antiquity, if it cannot prove an attainder in some sovereign's reign. Certain is it, that the early baronial feuds, the wars between the houses of York and Lancaster, and the cruel caprice and religious persecutions of the Tudor race, together with the Stewart and Cromwell wars, have involved almost every great family in ruin or distress at some period; and the shame of an attainder has been lost in its universality and frequent injustice.¹

We may, therefore, without reproach search the Attainder Records for assistance in tracing honourable descent.

In the Tower are Rolls of Attainders and Forfeitures, from Edward II. to 1 Henry IV.; there is also a calendar of the Attainders, Restitutions, and Resumptions in Parliament, from 4 Edward III. to the end of the reign of Edward IV.

In the Chapter House are surveys, inventories, and accounts of the forfeited estates of attainted persons in the reigns of Henry VII. and VIII., and records of their attainder; as also accounts relating to the insurrections in Yorkshire, Lincolnshire, and the Duke of Richmond's matters in the reign of Henry VIII. In this repository are also some interesting rolls, with the names and residences of, and fines imposed upon, many thousand

¹ Lord Chief Justice Crew (temp. Car. I.) in delivering the opinion of the Judges to the House of Lords on the disputed succession to the Earldom of Oxford, after having alluded to the rank of the De Veres for above five centuries, stated, by way of commendation, that he found *but two* attainders of that noble family in all that length of time.

“rebels,” who sided with lord Audley, Perkin Warbeck, and others, in the reign of Henry VII.

In the *Baga de Secretis* of the Court of King’s Bench, are Records of Attainder, Convictions, and others, chiefly relating to the Crown’s title to lands; there used to be so much caution in permitting the inspection of the records in the *Baga de Secretis*, that it was stated to the House of Commons, in 1800, to have been done only once in the preceding twenty-six years, and then with great ceremony; but the Commissioners on the Public Records ordered schedules to be made of them from the reign of Richard II. to George IV., which has been done.

In the King’s Remembrancer’s Office, and the Auditors of the Land Revenue Office, are commissions on attainders, surveys of forfeited lands for treason, &c. and accounts relating thereto, especially during the period of 1660.

In the Augmentation Office, are the King’s Ministers’ Accounts of the possessions of persons attainted in the reigns of Henry VI, VII, VIII, and Edward VI.

In the University Library, Cambridge, are some few inventories of the effects of persons attainted; and in the British Museum are many others.

In the Petty Bag Office, are special commissions to inquire of estates forfeited to the crown, with the inquisitions and traverses thereon, from James I. to this time, whether for treason, murder, and felonies, lands given to charitable or superstitious uses, concealed lands, lands of aliens, lands escheated to the crown for want of an heir, or otherwise.¹

The Parliament Rolls also often contain attainders and pardons.

In the Bodleian Library, are inquisitions of rebels in the reigns of Henry III. and Edward I.²

In the British Museum, are extracts from a term roll, of such as were attainted in the time of Henry III., for rising in arms at the battle of Evesham.³ Names of persons attainted in the reigns of Edward III. and IV.⁴ Notices of persons said to be murdered in the Tower by Richard III.⁵ Lists of persons executed in the reign of Henry VIII.⁶ Persons attainted 7, 8, 13 Elizabeth.⁷ And proceedings against, and names of the rebels, in 1685.⁸

¹ House of Commons Report on Public Records. — ² Bodleian MSS. 4182. — ³ Ayscough’s Index, p. 138. — ⁴ Lansdowne MSS. 870, 7. — ⁵ Cottonian MSS. 521. — ⁶ Same, 517. — ⁷ Harleian MS. 309. — Cottonian MS. 559. — Lansdowne MSS. 2. — ⁸ Harleian MSS. 4689.

RECORDS OF PARDONS.

There are in the Tower and at the Rolls Chapel, divers Rolls of Pardons of attainders, forfeitures, and the like, from the reign of Edward I. to that of James I. both inclusive, containing general and particular pardons to individuals.

In the State Paper Office, are a great many original sign manuals for grants of pardon in the reigns of James I. and Charles I.

The Patent Rolls, the Privy Seal Warrants, and Signet Bills, abound with Grants of Pardon.

These documents have a twofold use: the one as an assistance in a mere genealogical view; the other in removing the impediment of attainder, with which obstruction the most perfect pedigree can, for some purposes, avail nothing.

In the Library of the Society of Antiquaries, at Somerset House, is a collection of all the pardons, &c. entered in the Fine Office of the Earl of Leicester, from 22 to 25 Elizabeth.¹

¹ Antiquarian Society's MSS. 97.

SPECIMEN OF A ROLL OF REBELS: 12 HENRY VII.¹

D. De Combe ep'i	Finis	p'ma solutio	sčda sol'	t'cia sol'
D Ričo Wellysley	xx.s.	vj.s. viii.d.	vi.s. viii.d.	vi.s. viii.d.
D Tho' Wyett	xx.s.	vi.s. viii.d.	vi.s. viii.d.	vi.s. viii.d.
D Jo. Wellesley	xx.s.	vi.s. viii.d.	vi.s. viii.d.	vi.s. viii.d.
Dec' de Kingsby R'				
D Jo. Pluknett	xx.s.	vi.s. viii.d.	vi.s. viii.d.	vi.s. viii.d.
D Ričo Hockyn	lx.s.	xx.s.	xx.s.	xx.s.
D W'o Touker	x.mřc	xl.s.	xl.s.	iiij mřc
D Ričo Adam	xl.s.	x.s.	x.s.	xx.s.
D Tho. Kyng	xl.s.	x.s.	x.s.	xx.s.
D Ričo Sock	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vj.s. viii.d.
D Jo. Prankelt	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vi.s. viij.d.
D Jo. Huchyns	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vi.s. viij.d.
D Ričo Togood	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vi.s. viij.d.
D Agnete Jenys	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vi.s. viij.d.
D Jo. Laskern	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vi.s. viij.d.
D Jo. Waleys	xx.s.	vi.s. viij.d.	vi.s. viij.d.	vi.s. viij.d.
Dec' de Elworthy				
Dñs Jo. Pole	xxvi.s. viij.d.	vi. viij.d.	x.s.	x.s.
Dec' de Wemdon cū Francisca de Sydenhā				
D. Jo. Cosyn vic. ib.	x.li.	iiij. li.	iiij. li.	iiij. li.
D David Henby	iiij. li.	xx.s.	xx.s.	xl.s.
D Jo. Henby	lx.s.	xx.s.	xx.s.	xx.s.
D W'o Henby	lx.s.	xx.s.	xx.s.	xx.s.
D Rob'to Page	xxvi.s. viij.d.	vi.s. viij.d.	x.s.	x.s.
D W'o Trebett	xx.s.	vi.s. viij.d.	vi. viij.d.	vi.s. viij.d.
D Joh'ne Chute	xxvi.s. viij.d.	vi.s. viii.d.	x.s.	x.s.

¹ From the Original Roll in the Chapter House, Westminster. This Roll contains the fines imposed on the Partisans of "*Lord Audelay and of Peter Warbek, a native of Flanders*;" and if all the parties named in the Roll were partisans, the cause was far from unpopular. The rebels of the single County of Spmerset were amerced in the sum of 2277*l.* 10*s.*

SPECIMEN OF A PARDON ROLL, 24 EDWARD I.¹

Adam Drye de Saxelby rectat' de morte Māgri Joh̄is Puyssim de Barewe qui manuap̄ coram R' invenit videt' de pfiscendo in obs' R' in Vascon' v'l alibi &c. ut s. h̄t l'ras de p̄dōn secte pacis R' que ad R' pt̄ p morte p̄d̄ca et firmā, &c. Ita, &c. In cuj' &c. T. ut s^a.

Jurdanus fil. Thom̄ Garyn rectatus de morte Wit̄i le pynder qui manuē coram R' invenit videt' de pfiscendo in obs' R' in Vascon' v'l alibi ad mand' R' h̄t l'ras R' de p̄dōn secte pacis R' que ad R' ptinet p morte p̄dicta et firmam pacem, &c. Ita tū, &c. In cuj' &c. T. ut s^a.

Joh'es Austyn de Homicidiis Robiis et aliis criminibz et t̄nsḡr̄ div'sis cont' pacem R' f'c'is utlagat' q' manuc' corā R' invenit videt' de pfiscendo in obs' R' in Vascon' v'l alibi ad mand' R' et morando ut s. h̄t l'ras R' de p̄dōn secte pacis R' que ad R' ptinet p homicidiis, robiis omnibz et t̄nsḡr̄ p̄dtis et etiam utlagat' in ip̄m sit p̄mulgate firmam pacem, &c. Ita tū, &c. In cuj', &c. T. ut s^a.

Thom' de la Stone p morte Simo'is de Hamine unde rectat' est utlagat' qui manuap̄ corā R' invenit videt' de pfiscendo in obs' R' in Vascon' v'l alibi ad mand' R' et morando in forma p̄dc'a h̄t l'ras R' de p̄dōn secte pacis R' &c. p morte p̄dicta et etiam utlagat' in ip̄m ea oc̄cōne p̄m̄lgate et firmam, &c. Ita tū, &c. In cuj', &c. T. ut s^a.

Joh'es atte Wyk de Bracklesham ind̄tatus de robiis latrociniiis et aliis t̄nsḡr̄ con' pacem R' f'c'is qui manuap̄t' coram R' invenit videt' de pfiscendo in obs' R' in Vascon' v'l alibi, &c. ut s^a. h̄t l'ras de p̄d' secte pacis R' &c. p robiis latroē et t̄nsḡr̄ p̄dtis et firmam pacem, &c. Ita tu' &c. In cuj' &c. T. ut s^a.

¹ From the Original Roll at the Tower.

GENEALOGICAL UTILITY.

An Act of Parliament is necessary to remove corruption of blood, where the party has been attainted of high treason by Act of Parliament, or by judgment on an indictment for high treason, petty treason, or felony;¹ and although Records of Attainders and Pardons have been frequently given in evidence before the Committees of Privileges of the House of Lords in claims of Peerage; yet in all the instances (with one exception) which the writer of these pages remembers to have met with, the Attainders and Pardons have been either from the nature of the cases necessarily, or from the rank of the parties advisedly, by special Acts of Parliament, and those Records have furnished the necessary evidence instead of the Attainder and Pardon Rolls: the exception above alluded to was in the Zouche Peerage case, where a Pardon, dated in 1486, was produced from among the original Signet Bills and Writs of Privy Seal.

The following are some of the cases which have been before the House of Lords, where the parties have proved descents through Attainders and Pardons.

The claim of the Duke of Buckingham to the Barony of Roos, in 1666.

The claim of the Earl of Thanet to the Barony of Clifford, in 1690.

The claim of Thomas Stapleton, Esq. to the Barony of Beaumont, in 1795.

The claim of Lady Henry Fitzgerald to the Roos Peerage, in 1804.

The claim of Sir George Jerningham to the Barony of Stafford, in 1812.

The claim of Walter Ogilvie, Esq. to the Earldom of Airlie, in 1812.

In the claim of Lady Henry Fitzgerald to the Roos Peerage, on the counsel proceeding to show the reversal of the Attainder, and the Restitution of blood of Edmund Roos, they were informed that they might prove the *Restitution*; but that at the next sitting of the Committee they would be required to prove the *Attainder*.²

¹ Cruise on Dignities, p. 163.—² Minutes of Evidence on Roos Peerage, p. 45.

THE HUNDRED ROLLS.

3 EDWARD I. — 1274.

TO

10 EDWARD II.—1317.

THE Rolls officially denominated “ The Hundred Rolls,” contain Inquisitions taken in pursuance of a special commission issued under the Great Seal, in the 2 Edward I.

The original Inquisitions for Lincolnshire are in the Tower ; and those for several other counties, in the Chapter House, Westminster, amongst the records of the Receipt of the Exchequer.

For a few counties, no Hundred Rolls have yet been discovered ; but this deficiency is supplied by extracts from the Inquisitions, which are entered on Rolls in a handwriting coeval with the Inquisitions, and are also preserved in the Chapter House.

One of the first acts of Edward I., on his return to England after the death of his father, was, to inquire into the state of the demesnes, and of the right and revenues of the crown, and concerning the conduct of the sheriffs and other officers and ministers, who had defrauded the King, and grievously oppressed the people. The *Capitula Itineris* would have nearly embraced the consideration of all these abuses ; yet, as the circuit of the justices itinerant, who went it generally but once in seven years, would not return till the seventh year of this King’s reign, it was necessary, in the interim, to afford a speedy remedy to the crown and to the subject. Before, however, any specific remedy could be provided, evidence was requisite of their specific nature and extent : the King, therefore, on the 11th of October, in the second year of his reign, appointed special commissioners for the whole kingdom, as appears from the Patent Rolls of that year, whereon are inrolled thirty-five articles of inquiry. Twelve other articles, not discoverable on the Patent Rolls, are to be found among the returns, making in all

forty-seven articles. The latter were adapted to the circumstances of the place, and some of these are applicable to maritime counties only.

After the commissioners had, in the third year, returned their Rolls of Inquisitions, in obedience to the commission of 2 Edward I., it was necessary for the Court of Exchequer to have, in one view, such parts of the returns as affected the rights of the crown and the abuses of its officers; to this end, certain rolls were drawn up, containing a selection under the denomination of Extracts, the rolls of which have already been noticed as existing at the Chapter House, and supplying the deficiency of the lost original Inquisitions.

The Rolls of Inquisitions and Extracts being in the hands of the Treasurers and Barons of the Exchequer, the crown was at once furnished (amongst other things) with evidence, upon the oath of a jury of each hundred and town, in every county, of

- All the demesne lands of the crown, whether antient or newly acquired by escheat or purchase.
- Manors, &c. formerly in the hands of the crown, the persons holding the same, the authority, and how alienated.
- Tenants in capite, and tenants in antient demesne.
- The losses sustained by the crown in military services and otherwise, by the subinfeudations made by such tenants in capite, &c.
- Alienations to the church, under pretext of gifts in frankalmoigne.
- Wardships, marriages, escheats, rents, and services, withholden and subtracted.
- Fee-farms of the crown, hundreds, wapentakes, and tythings.
- Coasts, wreck of the sea, free chase, free warren and fishery, and other jura regalia.
- Oppressions of the nobility, clergy, and other great men, claiming to have and exercise such rights.
- Exactions by excessive and illegal tolls in fairs, and for murage, pontage, &c.
- Exactions and oppressions of sheriffs, escheators, and other ministerial officers, under colour of law.
- Unlawful exportation of wools, &c. &c.

The statute of Gloucester was enacted in the sixth year of this King's reign; and the first chapter, relating to Liberties, Franchises, and Quo Warranto, was founded upon the previous inquiries under the commission. A comparison of the Hundred Rolls and the Rolls of Pleadings in Quo Warranto of Edward I., wherein the usurpations presented by the hundredors are inquired into, fully justifies this conclusion. Immediately after the passing of the statute of Gloucester, the stated period of the circuit in Eyre returned; and, on the justices going their iter, Writs of Right, and of Quo Warranto, issued very generally against such persons as claimed manors, liberties, &c. where the jurors had previously said upon oath before the inquisitors, A^o 3 Edward I. "*Nesciunt quo Warranto*" the parties held or claimed;—and again, where they said the party held or claimed "*sine Warranto*," in such case, a writ sometimes issued; but the party usually came in upon the general proclamation (directed by the statute), without any special writ of Quo Warranto. The entry, in the former case, being "*A B summonitus fuit ad respondend' D'no Regi quo warranto*," &c.; and in the other "*Presentatum fuit aliàs coram inquisitoribus D'ni Regis quod A B clamat, &c. sine warranto*."

The Hundred Rolls for the counties of Gloucester and Lincoln afford a stronger instance of the connection between these rolls and the Quo Warranto rolls in Eyre: since the verdict in Eyre, whenever there was one, and in like manner the judgment of the justices, or at least the effect thereof, have been generally entered in another hand on the Hundred Rolls of those counties.

It is also worthy of observation, that many of the same jurors who were upon the inquest, under the special commission, A^o 2 Edward I. formed a part of the inquest on the inquiry upon the proceedings in Quo Warranto.

But the best evidence that the result of the inquiries under this commission was the immediate cause of the first chapter of the statute of Gloucester, consists in an entry on the Clause Rolls of 7 Edward I. by which it appears that previously to the departure of the justices in Eyre on their circuit, immediately following the enactment of that statute, these identical Hundred Rolls, or Inquisitions, were delivered to them for the purpose of holding pleas upon the claims stated therein.

Hence it may be reasonably concluded, that the first chapter of the statute of Gloucester was enacted as a necessary consequence of the previous inquiry made by virtue of the commission A° 2; nor is it unreasonable to suppose, that the chapters 6, 8, 10, 15, 16, 19, 21, 23, 26, 27, 30, 31, and 35 of the statute of Westminster the First, were intended to provide specifically against offences, which appear by the inquisitions on these Hundred Rolls to have been frequently committed, and which probably the Common Law was inadequate to correct.

After the 6th Edward I. the Articles of Enquiry of the 2 Edward I. formed a part of the "*Capitula Corone et Itineris*," and were always given in charge by the justices on their circuits, on the crown side, to the Hundreds. They were intituled "*Nova Capitula*," as distinguished from the old articles, and are to be seen in the subsequent Rolls in Eyre, particularly of the 21 Edward I. in the county of Surrey. The old articles in Eyre, as in Bracton, lib. 1. fo. 116, 117, and those of the 39 Henry III., as also the "*Nova Capitula*," were all incorporated in Fleta, lib. 1. cap. 20. tit. "*De Capitulis Corone et Itineris*."

Exact transcripts of the whole of these original inquisitions, and of the Rolls of extracts of them, were printed in 1812, in two volumes folio, by order of the Record Commission, accompanied by a fac-simile engraving of two of the Rolls, and Indexes of places and names. The assistance they are capable of affording to the genealogist, may be estimated by the indexes of names, which contain references to about 70,000 persons.¹

In the Tower is also a bundle of Inquisitions concerning Hundreds, taken in the 10 Edward II. 1317, by virtue of writs directed to the Sheriffs of the different counties.

¹ This account is taken from the Preface to the printed transcripts of the Hundred Rolls.

SPECIMEN OF PART OF AN INQUISITION.

Buk'.

Inquisitiones facte p̄ p̄ceptū dñi Regis in Com' Buk' de jurib; & libtatib; dñi Regis subtractis & excessis Vicecom' coron' escaet' & alior' ballivor' dñi Regis quor'cumq; alior' ballior' quoquomodo dñm Regem spectantib; anno regni Regis E. ꝑcio.

Vered̄m duodecim jur' de BREHULL sc̄dm capitula eos tangencia videt̄ Johs Ferb^{az} Robs fit Jacobi Nigellus de Bosco Robs fil' Alani Johs fil' Wiffr Rog's de Messenden Walter' le Wyte Raðs Nayl' Henr' Segrin Að fil' Peti Riçs Seraud Eads de Loteg'shale Qui dicūt p̄ eor' sacramentū coram dño Sampson' Foliot dño Edmūdo de Caldicote justic' apud EYLESBER' i octab' S̄ci Martini anno r' r' Edward' ꝑcio.

Quot & que man̄ia dñs R' h̄t i manu sua, &c.

Man̄iū de BREHULL & novē viginti ac's t're & sex ac's & di' et unam rodam de minori mensura. Et q̄ndecim ac's p'ti & di' in suo dñico.

P'lea dicūt quod t'ginta & tres v'gate t're tēnt' in capite de dño R' in villa de BREHULL p̄ partic'las unde q'libet virgat' reddet p̄ ann' de redditu assiso v. s. & q'inque dies de c̄suetudine videt' p̄ j diē sarclare p̄ unū diē fenū levar' p̄ tres dies me'te scil't ultimo die ad cybū d'ni Reg' v' sex den'.

P'terea Johs f' Nigell tenet duas v'gatas t're in capite de d'no Reg' i ACLEY p̄ x sol' & debet c̄duc'e vittaliam d'ni Reg' ad p̄ximā sistam.

De feodis etiam d'ni R' & tenentibus ej', &c.

Dicūt quod Johs fil' Wiffr tenet i capite de d'no R'. di' ac'm edific' p̄ xv.d ob & duos dies de c̄suetud' P'lea idem redd' p̄ mesuag' iij s. Idē tenet tres rodas t're edific' p̄ xij d. Idē tenet j ac'm p̄ iiij d. Idē tenet j ac'm p̄ vjd. Idem tenet duas ac's p̄ xij d.

Hug' fil' Nigell ten; j ac'm p̄ vjd.

It' Robs de Tame tenet di' ac'm p̄ xvjd.

Adam Godefr' tenet unam ac'm p̄ xij d.

It' Petr' le Turnur tenet j ac'm p̄ xij d.

Walter' de Horton tenet unam ac'm p̄ xij d.

Ric's Bondy tenet unā ac'm p̄ xvjd. et q'inque dies de consuetudin'.

Mabilia le Blouer tenet unā ac'm p̄ xxd. et p̄ eandē consuetud'.

De terris etiam tenenciū de antiquo d'nico Corone, &c.

Dicūt quod Henr' Rex senior feoffavit Gerardū de Cauz de duabus hidis terre i villa de LOTEG'SALE p̄ ʒjantiā ad ob̄vand' aves d'ni Reg' & solebat fac'e sectam cur' d'ni R' de BREHULL & redd'e de eodē man̄io xl. s. p̄ ann' & regale et pannag' q's hidas terre Wiffr Toluse modo eam tenet & tenuit p̄ decē annis elaps' & totū hoc sub'tctū est set nessim' q' waranto.

THE WELCH ROLLS.

5 EDWARD I.—1277.

TO

23 EDWARD I.—1294.

IN the Tower are some Rolls commencing in the 5th Edward I. anno 1277, and ending in the 23rd of the same reign, relating to the affairs of Wales, and called the Welch Rolls; but since they relate as well to English as to Welch families, it is necessary to take notice of them.

¹ Lewellin ap Gruffydh, prince of North Wales, having highly offended Edward by marrying Eleanor de Bohun, the Earl of Leicester's daughter, by the depredations he had committed in the marches, and by not attending the King's coronation to do the homage of a vassal, was by the king and council pronounced guilty of contumacy; and a great army was levied to proceed against him as a rebel.

This brought the Prince to submission, and William de Suthrey, Robert de Tybetot and another, on behalf of the king, and two Welchmen on the part of Lewellin, were appointed to treat of peace, which was concluded about Martinmas 1277, the period at which the Welch Rolls begin; and the first instrument contains the full powers granted under the Privy Seal to Robert de Tybetot to swear on the king's behalf; the orders for observance of the treaty; and powers for accepting Lewellin's oath, all dated the 2d November; the articles of the treaty, and the Letters Patent acquitting Lewellin from the payment of five hundred marks, dated the 10th November. From this time the Rolls are continued, and contain all the different instruments which passed the Great Seal, touching the affairs of the principality and its marches, as also relating to the several persons who were either employed or interested in those parts, from that time until Wales

¹ Ayloffe's Calendar, Introduction.

became thoroughly subdued, the rebellion raised by Rees ap Meredith entirely quashed by the execution of that traitor, and the ordinances for the settlement of the country and incorporating it with England were established.

On these Rolls will be found grants of castles, lands, and other possessions, letters of protection and safe conduct, appointments of justices, inquisitions of various sorts, presentations to churches, appointments of constables and governors of castles, leases, grants of freedom, committals to prison, grants of wardship, writs to receive money, grants of fairs, liberty to trade free from toll, releases from debts, removals from appointments, confirmations of former charters, exchanges of lands, feoffments, arrests, orders for dower, for support of children, for homage, appointments to military rank, and other entries too numerous to detail.

A calendar of the antient Charters, and of the Welch and Scotch Rolls, was published by Sir Joseph Ayloffé, in one volume quarto, in 1774; but as relates to the Welch Rolls it is very defective.

SPECIMENS, 5 EDWARD I.¹

R. omibꝫ ad quos, &c. Sal't' in Dño. Nov'tis qđ dedimus plenam p'tatē dil'c'is et fidelibꝫ n̄ris Robo de Tybatot Antonio Bek et dilcō nob' in xpo frī Willō de Suthampton priori p'vinciali fr̄m p'dicator' Anglie ad recipiend' sacrame'tum a Lewelino fil' Griffini principi Waff et ad firmandum om̄ia que p consiliarios n̄ros et suos de reformacone pacis tractata sunt et ordinata p'ut in articulis sup hoc consc'ptis plenius continetur. In cujus, &c. Dat' apud Rothelan' ut sup^a.

Et memorand' qđ iste tres litt're erant consignata cum pvo sigillo D'ni Regē ante adventum cancellar' apud Rothelan'.

11 EDWARD I.²

Thom̄ de Verdon fiet l̄ras R. de p̄simplices duř usq' ad festū Pasch' p'xi'o futur' cu' hac claus' Volum', &c. T. R. apud Rothel. p'mo die Dec.

R' omibꝫ ball'is et fidel' suis de comibꝫ Noř et Derb' ad quos, &c. salm. Cum mittam' dil'm et fidelem n̄rm Wiřm Wyther ad com̄ predcōs ad eligend' in eis tam infra libtates q'am ext^a trescentes hom̄es pedites de potencioribꝫ et aptioribꝫ ad arma et ad ducend' ad nos hom̄es illos p'ut ei injūximus. Vob' mandamus qđ eidem Will'o cum ea occōne ven'it ad com̄ predcōs eidem ad dōs hom̄es eligend' ut predm̄ est sitis consulentes et auxiliantes intende'tes et respondentes p'ut idem Will's vob' scire faciet ex p'te n̄ra Et hoc sicut comōdū et honore' n̄rm diligitis et de fidelitate v̄ra confidim' nullaten' omittatis. In c', &c. duř usq' ad festū Epiphie Dñi p'xi'o futur'. T. R. ap'd Rothel' vj^{to} die Dec'.

Reginaldus de Legh h'et l̄ras R' de p̄simplices dur' usq' ad festū s'c'i Mich'is p'xi'o futur' cū hac claus' Volum' qđ equi v'l carecte blada aut alia bona ip'ius Regin' p minis-tros n̄ros v'l alios ad opus n̄rm v'l alior' occōne p̄sentis exc'cit' n̄ri Wall' cont^a voluntate' ejusde' Regin' int'im captant' T. ut s^a.

Ad' de Blakeburn qui in obs' & p'f'tus est ad ptes Wall' h't litt'as & de p'p̄t duř usq' ad festū Pasch' p'xi'o futur' cū hac claus' Volum' etia' p'sentib's, &c. T. ut s^a.

Cons' p't' h't Ad' de Neweton qui in obs' R' p'f'tus est ad p'tes p'dcās duř ut s^a. cum claus. &c. T. ut s^a.

Abbas s'c'i petri Glouc' h't litt'as R' de p't' duř usq' ad festum Nativitatis sc'i Joh's Bap'te cum hac claus' Volum' aute' qđ blada equi seu carecte aut alia bona pred'c'i abbis aut homin' suor' cont^a voluntatem suam p' nos v'l ball'ios n̄ros aut alios quoscunq' ad op' n̄rm vel alior' occ'o'e p̄sentis exc'cit' n̄ri Wall' int'im capiant'. In c. &c. T. R. apud.....

¹ ² From the Original Records in the Tower of London.

PARLIAMENTARY RECORDS.

6 EDWARD I.—1277.

TO

6 GEORGE IV.—1826.

THE STATUTE ROLLS AND INROLMENTS	-	1277 to 1826
THE PARLIAMENT ROLLS - - - -	-	1277 1826
WRITS OF SUMMONS AND	}	1288 1826
RETURNS TO PARLIAMENT - - -		
JOURNALS OF PARLIAMENT - - - -	-	1509 1826

STATUTE ROLLS AND INROLMENTS.

6 EDWARD I.—1277.

TO

6 GEORGE IV.—1826.

THE earliest statutes contained in any collections are those of Henry III. but no record of parliament is now known to be extant prior to the Statute Roll of 6 Edward I., which begins with the statute of Gloucester.¹

In subsequent times there are interruptions in the series of these Rolls. After 8 Edward IV. the statute roll was not made up, from inattention; after 4 Henry VII. it was discontinued; and ultimately it was succeeded for practical purposes by the inrolment in Chancery.

¹ Bayley's Tower, p. 224.

During the periods in which Statute Rolls, or other Parliamentary Records do actually exist, the authentic evidence of statutes (and of other proceedings in parliament before the commencement of the Journals) must be searched for upon Statute Rolls, Inrolments of Acts, Exemplifications of such Statute Rolls or Inrolments, Transcripts by Writ into Chancery for the purpose of such exemplifications, Original Acts, and Rolls of Parliament. These are the only authentic sources from which, during those periods, a knowledge can be obtained of the different occurrences in Parliament, whether important or minute. With the exception of some Rolls containing proceedings in Parliament from 18 to 35 Edward I., which are in the Chapter-house, such of the original Statute Rolls, Inrolments of Acts, and Parliament Rolls, as are still preserved, are at the Tower or Rolls Chapel.

It has been stated, that the statute roll ceased in the 4 Henry VII. ; from that period the acts of parliament were certified to the officer of Chancery, and there inrolled ; and in the Rolls Chapel is an uninterrupted series from the 1 Richard III. to the present time, except during the Usurpation. From 1 Richard III. to 3 Charles I. the Statute Rolls comprehend several other proceedings of Parliament besides the acts, (as the Commissions for assent to Bills) thus partaking of the qualities of rolls of Parliament, and including nearly the same contents, until the miscellaneous matter disappearing by degrees, the acts inrolled only occur. To the 25 Henry VIII. they contain all acts public and private : thence to the 3 Charles I. all the private acts are omitted, their titles only being noticed. From 16 Charles I. to 31 George II. the Inrolments contain nothing but the public acts and the titles of the private acts ; and from 32 George II. these titles of private acts are omitted. Some acts of former date are printed which are not entered on the original rolls.

The original acts from the 12 Henry VII. to the present time are preserved in the Parliament Office. The printing of a new edition of the Public Statutes has been ordered by the House of Commons, and the work is nearly completed ; there are many valuable MS. copies of collections of statutes preserved in public and private libraries ; but the greatest number in any one place is in the British Museum.¹

¹ Report on Public Records.

It is to the private statutes the Genealogist will be most indebted ; they contain the settlements of family estates, long recitals of family pedigree, the naturalization of foreigners, the attainders of parties, and the reversals of such attainders, licences to change names and arms, the dissolution of marriages, the legitimation and illegitimation of issue, authority for individuals to re-marry, and other objects of private description.

THE PARLIAMENT ROLLS.

6 EDWARD I.—1277.

TO

6 GEORGE IV.—1826.

THESE Rolls are not now to be found of an earlier date than the 5 Edward II. 1311 ; but in Sir Matthew Hale's time they were in existence from the 6 Edward I.,¹ and copies of them having been then taken for that judge, their contents have been preserved to the publick. The Parliament Rolls contain petitions to Parliament, placita, (commencing 1321²) and miscellaneous proceedings in parliament. They were, by order of Government, printed entire from the 6 Edward I. to the 19 Henry VII. (together with such other petitions in bundles and placita as were not entered on the rolls,) in the early part of the late King's reign, in six volumes folio, with the title "Rotuli Parliamentorum ; ut et Petitiones et Placita in Parlamento." Down to the end of the reign of Edward IV. these documents are preserved at the Tower ; after that period they are at the Rolls Chapel. The copy from which the early rolls were printed, was examined in part by the Rev. Philip Morant and John Topham, Esq., and after Mr. Morant it was continued by Mr. Topham and Thomas Astle, Esq. who likewise transcribed the Petitiones in Parlamento, and selected the other parliamentary matter found on the Patent and Clause Rolls, and also in public offices

¹ Prynn's Preface to Abridgment of Records in Parliament.—² See Ante, page 101.

and private collections. For the preservation of the Transcripts, and that recourse might be had to them at any future time when occasion should require, they were, pursuant to an order of the House of Peers of March 8, 1770, deposited in the British Museum.¹

² WRITS OF SUMMONS AND RETURNS TO PARLIAMENT.

16 EDWARD I. — 1288.

TO

6 GEORGE IV.—1826.

THE Writs of Summons and returns to the Lower House of Parliament are preserved from the time of Edward I. to the 17 Edward IV. 1477, at the Tower, together with a considerable number of returns to the three parliaments during the Usurpation, which were discovered there in 1805. These latter instruments are often crowded with the electors signatures in their proper hand-writing. Down to the 8 Henry IV. 1406, the returns are indorsed on the writs, or made on schedules annexed to them, being only the names of the members returned, with their manucaptors; after that time there are indentures between the Sheriffs and Freeholders of the county, and the returning Officers and Electors of each City or Borough.³

In the Rolls Chapel are many returns of members, from the 33 Henry VIII. (1541) to the Parliament next before the restoration of Charles II.: from that to the present period they are at the Petty Bag Office, excepting some with the Clerk of the Crown for the most recent parliaments.

In the Bodleian Library, are Writs for electing members in the times of Elizabeth, James I. and Charles I.

¹ Printed Edition of the Rolls of Parliament, vol. VI. p. 557.—Ayscough's Index, 4631 to 4659.—² For the different kinds of Parliamentary Writs, see Prynne's "Register, Kalendar, and Survey of Parliamentary Writs, London, 1659."—³ Report on Public Records, 1800.

The qualifications of members from Anne to George IV. are at the Petty Bag Office, and as they point out the estates qualifying such representatives, genealogical evidence may be obtained through them, by a reference to the title-deeds of such estates, or the local rate or parish books.

THE PARLIAMENT PAWNS are sometimes copies, sometimes abstracts of the writs and precepts that issue for summoning the Peers to Parliament, (similar to the entries on the Close Rolls) with schedules containing the names and titles at length of the several persons to whom such or similar writs were sent. When the Parliament meets, the Parliament Pawn is completed; and after that period, all writs of summons are issued from the Crown Office in Chancery.¹ It has been mentioned in page 139, that copies of all the summonses to the upper House of Parliament from the 49 Henry III. to a comparatively modern period, have been printed. The names of the members of the lower House may generally be seen in the county and local histories. For later periods, the returns have been sent by the Crown Office to the London Gazette. In 1724, lists of all members from the Restoration in 1660 to that year, were printed in a small volume; and from about 1700 to the present day, they are to be found in Chamberlayne's Annual State of Great Britain, and the Red Books. The *Notitia Parliamentaria* of Browne Willis, published in 1715 and following years, has lists of members to the 12 Anne. And the celebrated Mr. Prynne published, in 1660, a work, in four volumes quarto, entitled "*Brevia Parliamentaria rediviva*," containing an account of all the parliaments holden in each king's reign, from the 49th of Henry III. to the end of Edward IV.²

³ It became the practice about the time of Henry VIII., when a parliament was to be called, for the clerks of the Petty Bag Office in Chancery, in pursuance of a warrant from the Lord Chancellor, to prepare these abstracts and schedules, with the help of the Masters in Chancery and the Heralds; and being fairly engrossed on parchment, they were lodged in the Petty Bag Office, under the name of Parliament Pawns, where they are still preserved from the 21 Henry VIII. to the present time.⁴

¹ Minutes of Evidence on the Howard of Walden Peerage, p. 20.—² See also Oldfield's History of the Ho. of Com. and of Places returning Members, 6 vols. 1816; and the Parliamentary History in 24 vols. 1762, containing forms of writs and biographies of members.—³ Cruise on Dignities, p. 261, who cites Petyt on Parliaments, chap. 2.—⁴ Report on Public Records.

JOURNALS OF PARLIAMENT.

1 HENRY VIII.—1509.

TO

6 GEORGE IV. — 1826.

THE Journals contain entries of the several transactions in Parliament, the daily and ordinary occurrences and proceedings from the opening to the closing of each session, with the several petitions or bills, and the answers given thereto, not only on public matters, on which statutes have been afterwards framed, but also on private concerns, affecting a considerable portion of the families of the nobility and gentry of this kingdom: the names of the several members of the House of Peers daily present are entered on the Journals of that House, and they are consequently often the necessary evidence of sittings under writs of summons. It would require no less than a volume to specify the different descriptions of transactions noticed in these records, and a very imperfect idea of their value would even then be formed without inspecting them.

It is not known when Journals were first used; those in existence of the upper House commence in the 1 Henry VIII., and of the lower House in the 1 Edward VI.; but it appears by an antient original letter, prefixed to the Journal book of Henry VIII., that several Journal books were taken away and suppressed by Cardinal Wolsey.¹

The Journals of both houses have been printed with indexes, the originals are preserved at the Parliament Offices: the printing has rendered them so easily accessible, and a single extract would afford so imperfect a specimen of their contents, that it has not been thought necessary to give any specimen.

The Votes of the House of Commons were first printed in 1681, those of the House of Lords in 1825.

¹ Cruise, p. 266.

SPECIMEN OF AN ENTRY ON THE PARLIAMENT ROLL

6 EDWARD I.

Ce est le droit Robert Banaster al maner de Prestaŋ od les appurtennaunces en Englefeld. Ce est asaver ke Robert Banastre, le ancestre cestie Robert, vyent en Engleterre od le Cunquerur, e ont le vant maner, e plusours terres, ke ceste Robert tent uncore du Cunquestre par le Cunquerur, et cely Robert ceosq' lung tens, e murrut en de cele tere vestu e seisi, e lessa son fiz Robert Banastre, ke ont vivi, ke en tens le Roy Richard ferma une tur a Prestatun, ke uncore este. E en son tens Oweyn ab Gweynor fu Seigneur de Wales, e mist gwere en la terre, tant cum le Roy Richard fu en la tere de outre mere, e prist le chastel le Roy de Rothelan, e enchasa fors de la tere tutte la gent le Roy. E Robert le fiz Robert Banastre pardi sa tere en Wales a cel heure, e amena tut sa gent de Pŕstatun od le Deke en Contee de Lancastre, e uncore sunt apele le Westroys, et murrut cele Robert Banastre, e lessa troys fiz, Richard, Warin, e Thorstan Banastre, e en tut sun tens fu gwerre en tens Lewelyn le veyl. Thorstan se lessa murrir, e ont un fiz, ke ont a nun Robert Banastre, e ne fu fors ke de un an qŋt son pere murrut, si fu vint ans en garde, e quant il veyne a age, il ne vesqui for ke troys anz e murrut, si lessa un fiz, Robert, ke ore est demandant, ke fu en garde disenef anz, e pus ke il fu Seigneur de tere, la tere ad este en gwere, ke unk' ne fu establi la pes devant ore.

In dorso.

Robert Banastre fuit vestitus et seisitus de manerio de Prestatun cum ptinentiis tempore Regis Ric'i.

De Roberto	Ric'us sine herede. Warinus sine herede. Thorstanus.
De Thorstano	Robertus.
De Roberto	Robertus, qui nunc petit.

Robert Banastre prie nostre Seign^r le Roy, de une enqueste, ke prise estre parfurme par Englays, ke meuz enseverit la verite de sun droit ad maner de Prestatun od les appurtennaunces en Englefeld, pur ce qe nŕe Seige^r le Roy ad comāde deus foethe avant de prendre enqueste de sun droit lavantdit maners de Englays, e de Wales, joy'tement asemble, e les Waleis ne voylunt a nul serment aler, e dient ke ceo serrayt encontre lur fŕnchises, si tuz seus du pays ne fusunt en le enqueste, par quay il est delaye a sun gŋt damage, e prie nŕe Seigneur le Roy remedie, si li plest.

Declaret jus suum, et seisinam suam, vel antecessor' suorum.¹

¹ This Extract is from the Printed Rolls. The originals of this reign, and part of the next, have been lost.

SPECIMEN OF A PARLIAMENT PAWN, 31 CHARLES II.

Anno Regni Regis Caroli Secundi Tricesimo Primo.

Carolus Secundus Dei gr'a Anglie Scocie Franc' & Hib'nie Rex Fidei Defensor &c. p'charissime dil'co f'ri suo Jacobo Duci Ebor' & Albanie salt'm. Quia de advisamento & assensu Consilij n'ri p quibusdam arduis & urgentibz negocijs nos statum & defensionem Regni n'ri Anglie & Eccl'ie Anglicane conc'nen' quoddam parlamentum n'rm apud civitat' n'ram Westm' decimo septimo die Octobris prox' futur' teneri ordinavim' & ib'm vobiscum ac cum prelatis magnatibz & proc'ibz d'ci Regni n'ri colloquium h'ere & t'ctatum Vob' sub fide & ligeancia quibz nob' tenemini firmiter injungendo mandam' q'd consid'atis d'cor' negocior' arduitate & piculis imm'entibz cessante excusac'one quacunq' d'cis die & loco psonalit' int'sitis nobiscum ac cum prelatis magnatibz et proc'ibz p'd'cis sup'a d'cis negociis t'ctatur v'mq' consilium impensur' Et hoc sicut nos & honorem n'rm ac salvac'onem & defensionem Regni & Eccl'ie p'dict' expedi'conemq' d'cor' negocior' diligitis nulloatenus omittatis. T. Rege apud Westm' xxiiij die Julij anno r' sui tricesimo primo.

Cons' br'e dirigitr p'charrissimo consanguineo suo Rup'to Duci Cumbr' T. vt supra.

Rex charissimo consanguineo & consiliar' suo Arthuro comiti Anglesey Custodi Privati Sigilli sui salt'm Quia &c. vt sup^a usq' t'ctatum et tunc sic Vob' sub fide & legiancia quibz nob' tenemini &c. vt sup^a T. vt sup^a.

Consimilia br'ia dirigunt' p'sonis subscript' sub eadem dat', videl't charissimo consanguineo suo

Henrico duci Norff'.

Georgio duci Bucks.

Chr'ofero duci Albemarle.

Jacobo duci Monmouth, ex'cituu' suor' gen'ali.

Henrico duci Newcastle.

Carolo marchioni Winton'.

Henrico marchioni Wigorn'.

Henrico marchioni Dorcestr'.

Rob'to comiti Lindsey, Magno Cam'ario suo Anglie.

Jacobo comiti Brecon, Senescallo Hospicij sui.

Henrico comiti Arlington, Cam'ario Hospicij sui.

Alb'ico comiti Oxon'.

Antonio comiti Kanc'.

Will'o Ric'o Georgio comiti Derb'.

Joh'i comiti Rotel'.

Theophilo comiti Huntingdon.

Will'o comiti Bedford.

Ph'o comiti Pembr' et Montgom'y.

Ed'ro comiti Lincoln.

Carolo comiti Nott'.

Jacobo comiti Suffolc'.

Carolo comiti Dors' et Middlesex.

Jacobo comiti Sar'.

Joh'i comiti Exon'.

Joh'i comiti Bridgewater.

Ph'o comiti Leicestr'.¹

¹ There are more Peers names in the Pawn than the space allowed to be here printed.

SPECIMEN OF INDENTURE OF RETURN OF MEMBERS,
12 WILLIAM III.

4 Feb 170¹ d^d to Cr' Off'.

Hec Indentura fact' in pleno com' Derb' tent' apud Derb' die Jovis nono die Jannuar' Anno regni d'ni Will'i t'cij Dei gra' Angl' Scocie Francie & Hib'nie Regis Fidei defensoris &c: duo decimo int' Henr' Bradshaw ar' Vic' Com' p'd' ex una parte Et Ph'um Gell barronet Carolum Pye barr' Rob'tum Willmott ar' Joh'em Spateman ar' Godfr'um Meynell ar' Rob'tum Revell ar' Will'um Eyre ar' Thomam Eyre ar' Thomam Cotchett ar' Joh'em Osborne ar' Simonem Degg ar' Henr' Clayton gen' Samuel Spateman gen' Seth Wood gen' Carolu' Greaves ar' & Rob'tum Bateman gen' et multar' al' personar' Com' p'd' & elector' duor' Militum ad parliament' in b'ri huic indenture consut' specificat' ex alt'a parte Qui ut major par' totius com' p'd' tunc ib'm existen' jur' & exãiat sc'd'm vim formam & effe'm diversor' statut' inde edit' & provis' eligerunt p'nobilem Will'um marchion' Hartington primogenitu' filiu' Will'i Ducis Devon' et p'nobil' Joh'em dominum Roos primogenitum filiu' Joh'is comitis Rutland infra com' p'd' commorant' gladijs cinct' militar' habile' & magis idoneos & discret' dantes & concedentes p'd' duobus militibus plen' & sufficient' potestat' p se & tot' co'it' comitatus p'd' ad faciend' & consentiend' hijs que ad parliament' in d'co b'ri content' de co'i consilio R'ni d'ci D'ni Regis nunc Angl' cont' contingerit ordinari sup negocijs in d'co b'ri specificat'. In cujus rei testimon' uni pti hujus indentur' penes d'cum domin' Regem remanent partes p'd' sigilla sua apposuer'. Alteri vero pti ejusd'm indentur' p'd' Vic' Sigill' officij sui apposuit. Dat' die Anno & loco sup' dict'.

W^m (L.S.) Eyre. J. (L. S.) Spateman.
Hen. Bradshawe Philip (L.S.) Gell Cha. (L.S.) Pye Rob. (L.S.) Wilmot Godfrey Meynell (L.S.) Rob' Revell (L.S.) Tho. (L.S.) Eyre Tho. (L.S.) Cotchett J. Osborne (L.S.) Robert (L.S.) Bateman Charles (L.S.) Greaves And. Clayton (L.S.) Sam. Spateman (L.S.) Seth (L.S.) Wood.

Sigillat' et delibat' in p'sentia n'r'a

THO. BAGSHAW,
JO. HAYNE,
THO. STATHAM,
JN^o STATHAM.

GENEALOGICAL UTILITY OF ACTS OF PARLIAMENT.

In the claim of Lady Charlotte Fitzgerald to the Barony of Roos in 1804, the original certified transcript into Chancery, of an *Act of Parliament* of the 13 Charles II. was produced from the Rolls Chapel, before the Committee of Privileges of the House of Lords, to prove the illegitimation of the children of the Lady Ann Roos, wife of John Lord Roos, eldest son of John Earl of Rutland. There was also produced at the same time, the original certified transcript into Chancery, of an Act to enable the said John Lord Roos to marry again.

In the same claim were produced the *Acts of Parliament* of 1 Edward IV. to prove the attainder of Thomas Lord Roos, and of the 1 Henry VII. to shew the reversal of that attainder, and the restitution in blood of Lord Roos.¹

In the claim of the Jerninghams to the Barony of Stafford, there were produced in furtherance of the claim, to the Committee of Privileges, in 1812, the *Acts of Parliament* of the 1 Richard III. and 1 Henry VII., to prove the attainder of Henry Duke of Buckingham of high treason, and the reversal of such attainder and restitution in blood of Edward Stafford, son and heir of the said Henry Duke of Buckingham. There were also produced an *Act of Parliament* of the 14 Henry VIII. to prove the attainder of high treason of Edward Duke of Buckingham; and another *Act* of 1 Edward VI. to prove his restoration in blood.²

In the claim of Sir John Shelley Sidney Bart. to the Barony of De L'Isle, an *Act of Parliament* of the 4 and 5 of King Philip and Queen Mary was produced before the Committee of the House of Lords in 1824, to prove the restitution in blood of the Lady Mary Sidney, and other children of John Dudley, Duke of Northumberland, from the first of whom the petitioner was descended.³

In the claim to the Kilmorey Peerage, an Act of Parliament was likewise produced in support of the Petitioner's descent.⁴

In the claim of Walter Ogilvy, Esq. in 1813, to the Earldom of Airlie, the counsel for the petitioners referred the Committee of Privileges of the House of Lords to Acts of the 1 and 19 George II., attainting James Lord Ogilvie and David Lord Ogilvie; and produced an Act of the 23 George III., removing the disabilities and incapacities occasioned by the attainders.⁵

¹ Minutes of the Roos Peerage.—² Minutes of the Stafford Peerage.—³ Minutes of the De L'Isle Peerage.—⁴ Minutes of the Kilmorey Peerage.—⁵ Minutes of the Airlie Peerage.

GENEALOGICAL UTILITY OF THE ROLLS OF PARLIAMENT.

A Writ of Summons followed by a sitting, confers the dignity of a Baron descendible to all lineal issue, both male and female ; this proof of a sitting must be by the Records of Parliament, and can only be found on *the Rolls or Journals of Parliament*, unless the letter from the Barons to the Pope in 29 Edward I. be considered genuine. In the *Parliament Rolls* it is much to be regretted that the names of those noblemen only who were appointed *Triers of Petitions*,¹ or who acted in some particular capacity, are to be found noticed as being present. In the Journals which commence in the reign of Henry VIII. the daily attendance of noblemen is noted ; and as there were earlier Journals, it cannot be doubted that the Parliamentary Rolls were never intended to supply that evidence of sittings, which is now, in many cases, to be drawn from them alone.

Genealogies traced from the *Parliament Rolls*, may be seen in the Cottonian Manuscripts.²

In the claim of Thomas Stapleton, Esq. to the Barony of Beaumont, in the year 1795, the Petitioner was under the necessity of proving before a Committee of the House of Lords, the attainder of his ancestor William Viscount Beaumont, in the 1 Edward IV., the reversal of the said attainder, and his restitution in blood, 1 Henry VII. : also the attainder of Francis Viscount Lovell in the last-named year, and the attainder of Henry Norris, 28 Henry VIII., with his subsequent restitution in blood ; the whole of which proofs were made by production of the *Parliament Rolls*, as were also the several sittings of the petitioner's ancestor Henry de Beaumont in the reign of Edward III.³

In the two cases of the Baronies of Zouche and Roos in 1804, much evidence was given before the Committee of Privileges of the House of Lords, obtained from the *Parliament Rolls*. The *printed copies* were produced and received as proof of the several sittings in parliament by the Lords Zouche ; but the *Original Parliament Rolls* were required as evidence of the attainder and restitution of John Lord Zouche.⁴

¹ The names of such Triers of Petitions, (taken from the Rolls of Parliament,) as had Summons to Parliament, are published in Mr. Nicolas' *Synopsis of the Peerage*, 1825.—² Vitellius F. xii. —³ Minutes of Evidence on the Beaumont Peerage, 1795.—⁴ Minutes of Evidence on the Zouche Peerage, 1804.—Same, Roos Peerage, 1804.

GENEALOGICAL UTILITY OF WRITS OF SUMMONS AND RETURNS TO PARLIAMENT.

The first creation of a Barony by Letters Patent was in the 11 Richard II. (1387,) and wherever a *Writ of Summons* appears to have been issued to a person prior to that year, a Barony *by Writ* will be presumed to have been created.

Parliamentary Pawns will be deemed sufficient evidence of such writs having been issued as are recorded therein; the earliest Pawn is of the reign of Henry VIII.

In 1660, the Earl of Dorset reported from the Committee of Privileges the case of Lord Sandys, touching his claim to sit in the House as a Peer; that upon search made in the office of the Petty Bag, in the *Pawns* there of record, several *Writs of Summons* appeared to have been directed to his ancestors, upon which the House was satisfied of his Lordship's title to the honour; and the next day he took his seat.¹

In the claim of Lady Henry Fitzgerald to the Barony of Roos in 1805, a *Parliament Pawn* of the reign of Charles II. was produced as evidence, that John, son of the Earl of Rutland, was summoned to Parliament *by Writ*, as Lord Manners of Haddon, during his father's lifetime, and took his seat accordingly, whereby a new Barony was created descendible to heirs general: and in the same claim the *Indenture of Returns of Members of Parliament* for the county of Derby in 1700, was produced as evidence, that Lord Roos was therein designated as eldest son of the Earl of Rutland.²

In 1784, Sir John Griffin Griffin claimed the Barony of Howard of Walden, as descended from Thomas Howard, chevalier, summoned to Parliament *by Writs* in the 39 and 43 of Elizabeth, and who having sat in Parliament in pursuance of such Writs, his dignity became descendible to the heirs general of his body. The evidence of these writs was by *the Parliament Pawns*, which were produced from the Petty Bag Office. The House of Lords had previously directed searches to be made for Letters Patent of the creation of the said Barony, at the Signet Office, the Secretary of State's Office, the Privy Seal Office, the Clerk of the Patents, the Clerk of the Crown, and the Rolls Chapel.³

In the Zouche Peerage case, on a witness stating that he had made search in the Petty Bag Office for the Pawns of Writs of Summons, as directed by their Lordships, the counsel were informed that the proper officer should be called to give the necessary evidence on that point.⁴

¹ Cruise on Dignities, p. 262, Second Edition.—² Roos Peerage Minutes, p. 397, 401, 474.
—³ Printed Minutes of Evidence.—⁴ Zouche Peerage Minutes of Evidence, 1804.

GENEALOGICAL UTILITY OF THE JOURNALS OF PARLIAMENT.

For the *necessity of the Journals* in proof of a sitting in parliament by virtue of a writ of summons, see pages 202 and 207.

In the case of the barony of Clinton, in 1794, the original creation of the barony was not shown. But it appearing from the *Journals*, that in consequence of a question which arose in 4 and 5 Philip and Mary, between the Lord Clinton and the Lord Stafford, concerning their precedence, the house had adjudged that the Lord Clinton had always place next above the Lords Audeley, this was held sufficient proof that the barony of Clinton was originally created *by Writ*, because this precedence was far above that of any barony by patent.¹

In the Roos peerage case in 1804, the *Journals of the House of Lords* of various reigns were produced, to show that Thomas Lord Roos sat in parliament; and many entries in the *Journals* were read, to show the claim made in 1666 by the then Duke of Buckingham to the title of Roos.²

In the claim of the Reverend Edward Timewell Brydges to the barony of Chandos in 1791, the *original Journals* of the House of Lords were produced before the Committee of Privileges, to show the sitting of the petitioner's asserted ancestor James Lord Chandos in 1676. In the Zouche peerage claim, the *printed Journals* were received as evidence of a sitting.³

In the claim of Sir John Shelley Sidney Bart. to the barony of De L'Isle, the *original Journals* of the House of Lords for the years 1678, 1698, 1702, and 1737, were produced before a Committee of Privileges of the House of Lords, to prove that Robert Sidney first Earl of Leicester of that name left Philip Sidney Earl of Leicester his eldest son and heir; that Philip Sidney Earl of Leicester left Robert Sidney Earl of Leicester his eldest son and heir; that the last mentioned Robert Earl of Leicester left another Philip Earl of Leicester his eldest son and heir, and two other sons John and Joscelaine, who successively enjoyed their father's titles of honours.⁴

¹ Cruise on Dignities, p. 261.—² Printed Minutes of Evidence.—³ Printed Minutes of Evidence.—⁴ Minutes of Evidence, p. 124.

THE REDISSEISIN ROLLS.

14 EDWARD I.—1285.

TO

39 HENRY VI.—1461.

THE Rolls at the Tower thus called, are arranged in chronological order, and pointed out in the General Index. They contain writs to and proceedings of the sheriffs, for restoring those to the possession of lands or tenements, who had been unlawfully dispossessed of them.

When Queen Elizabeth appointed Lambard to the custody of the records in the Tower, she discoursed with him at considerable length, and evinced great solicitude about their careful preservation; and a few months afterwards Mr. Lambard having compiled a pandect of the records under his charge, her Majesty looked it over, and asked various questions as to the names of the different rolls, and demanded if *Redisseisines* were not wrongful and forcible throwing of men out of their lawful possessions? and being answered in the affirmative, she replied that “in those days force and arms did prevaile, but now the wit of the fox is every where on foot, so as hardly a faithful or virtuous man may be found.”¹

I am not aware of these rolls having been produced in any court as evidence to support of a genealogy.

¹ Bayley's History of the Tower, p. 223.

SPECIMENS THEREOF, 22 EDWARD I.

R Vic' Suthi salm. Monstravit nob Edmundus de Sutton qd cum bre nrm nup tibi detulisset de coi pastura sua in Sutton amensuranda qua Ric'us de Sco Walerico Alan' de Sutton Wiffs le Whyte et Galfridus le Rus injuste suponerav'nt Et cu pasturam illam p pceptu nrm put moris est in regno nro amensurav'is iidem RiCs Alan' et Wiffs et Galfridus pastura illam post amensuracoem pdcam itm injuste supohav'int in ipius Edmudi dampnu no modicu et gvamen et cont' forma statut' sup hoc pvisi Et quia eidem Edmudo jux' forma ejusde statuti subvere volum' ut tenem' tibi pcipim' qd' in pp'a psona tua ad pasturam illam accedas et p sacrm pbor' et leg' hoium de balliva tua p quos &c. de sda ejusdem pasture supohacoem diligenti inquiras Et per inquis illam pasturam pdcam p pfatos Ricm Alanu Wifm et Galfr'm post p'm amensuracoem itm injuste sup'ohata invenis, tuc de av'is illis in pastura pdca ult' debitu nlu p't p'm amensuracoem per pfatos Ricm Alanu Wifm et Galfr'm poitis vt de p'tio eor' nob ad sec'm nrm respondeas. Et sup'o-
nacom pdcam amoveas. T. R apd Westm' vj die Junii.¹

Monstravit R Almarica que fuit ux Robti de Eccleston qd cu ipa in cur' R coram justic' R ultimo itinantibz apud Lancast' recup'asset sei's suam vers' Robtum fil Alani de Eccleston Ricm de Mutton Henr' del Meanyhurst Patricu fil Rad'i de Camestre Ricm fr'm ejus et Wifm fil' Rog'i de duodecim acris tre cu ptin' in Eccleston per recogn' as. no. dis. ibi inde in eos capte p'dci Robs RiCs Henr' Pat'cius RiCs et Wiffs ipam Almaricam de p'dca tra itum injuste disseis'. Et io mand' est Vic' Lanc' qd assumptis &c. ipos Robm Ricm Henrm Pat'ciu Ric'm et Wifm cap' &c. Ita &c. T. R' apud Horton xxii die Dec'.²

Eodem modo monstravit R' Robts fil' Robti de Esnynton qd cum ip'e in cur' R' coram magrs Thoma de Sudinton et Walfo de Hopton et dil'c'is et fidelibz nris Reginaldo de Legh et Hugone de Cane justic' R' ad hoc assignatis apud Tamew'rth recup'asset seisinam suam v'sus Robm Chaunpioun de una acra tre cu p'tin' in Esnynton per recognicoem ass. no. dis. ibi inde in eos capte, p'dc'us Robts Chaunpyoun pfatum Rob'm fil'm Rob'ti de eadem terra itum injuste disseis'. Et ideo mand' est Vic' Warr' qd assumptis secum &c. ipm Rob'm cap' &c. T. R' apud Dunoſm xvij. die Januar'.³

¹ ² ³ From the original in the Tower of London. m. 5. d. et m. 6.

MARRIAGE DISPENSATIONS OR LICENCES.

29 EDWARD I.—1300.

TO

6 GEORGE IV.—1826.

AN application to the Pope or other ecclesiastical authorities, was very frequent from the great men of antient days, in order that parties within prohibited degrees, under pre-contracts, or other canonical impediments, might intermarry; and much important information relative to the dissolution and contraction of marriages, is to be obtained from the bulls or briefs of dispensations.

The change of religion in the time of Henry VIII. transferred this dispensing power, with modifications, to the protestant clergy, and papal bulls or dispensations found successors in the marriage licences of the present day.

The act of 25th Henry VIII. (1533) cap. 21, having recited, that the subjects of this realm had been greatly impoverished by the intolerable exactions of great sums of money, claimed and taken out of the kingdom by the Pope for dispensations, licences, faculties, &c. did enact, that from thenceforth no person should sue to the Bishop of Rome for any licence; that the Archbishop of Canterbury and other spiritual persons should thenceforth grant licences of things wont to be licensed; and that all children procreated after solemnization of any marriages had by virtue of such licences, should be reputed legitimate, and inherit the inheritance of their parents, and provisions were made for the Archbishop having such licences duly inrolled. By a further clause it was ordained, that dispensations, licences, or confirmations obtained from the See of Rome before the 12 day of March, 1533, should be valid.

But the people “ignorantly and timorously” continuing to use them, it was by another act of the 28th Henry VIII. (anno 1536) again declared, that all faculties and dispensations whatever issuing from the See of Rome

should be void and of no value. Yet notwithstanding it was enacted, that all marriages before the 3 November, 1534, had and solemnized by the ecclesiastical laws of the realm, should be valid.

And it was further enacted, that all Archbishops, Bishops, and other ecclesiastical persons, should thenceforth by authority of that parliament exercise all things pertaining to their offices, as they had been accustomed to in times past.

Indeed, in these times were great irregularities about marriage in the realm, many being incestuous and unlawful;¹ which caused the parliament in 1533, in one of their acts, to publish a table of degrees, wherein it was prohibited by God's law to marry. But the act did not cure this, for many thought to bear out themselves in their illegal contracts, by getting dispensations from the Archbishop, which created him much trouble by his denying to grant them.²

That there were "great sums of money claimed and taken out of the kingdom" for dispensations, as mentioned in the act of 25 Henry VIII., is particularly evident from an indenture dated 1505,³ made between the Earl of Derby and Lord Hastings, on the marriage of the Earl with the Lord Hastings' daughter, where it appears that the expences were deemed of sufficient importance to require in the indenture a covenant on the part of the Earl, *that he should at his costs and charges obtain the licence of our Holy Father the Pope at Rome, for the marriage.*

For genealogical particulars and identity of parties, no parochial registers can be compared with the protestant licences of marriage; documents which like them contain, under the sanction of an oath, the names, residences, and descriptions of husbands and wives, their ages, whether they have been previously married, their hand-writing, and if under age, the names, particulars, and hand-writing of parents or guardians, must in all cases be ranked as of the most valuable description of evidence.

The most important repository of dispensations prior to the Reformation, is doubtless in the Vatican. In the year 1788, Andrew Stuart, Esq. M. P. having a wish to inspect the marriage dispensations in the Vatican, obtained

¹ See "A Note of divers incestuous and unlawful Marriages made by Licence by vagrant ministers in lawless peculiars," and "Reasons for Licences to marry," in the Harleian MSS.——
² Strype's Memorials of Cranmer, 1694, p. 46.——³ Harleian MSS. 3881.

an introduction, and stated his object to Monsieur de Marini, keeper of the secret archives in the Vatican, and in the Castle of St. Angelo. M. de Marini testified a great desire to obtain for him all the information he wished, but owned that it would be extremely difficult to discover any particular papers, unless there could be given a particular specification of the date or year of the Pontificate, in which the paper sought after had been granted, because there were many thousand volumes of records and manuscripts, (Mr. Stuart thinks Monsieur de Marini said upwards of twenty thousand) but without any regular inventory of them to assist in making the search.

The result of Mr. Stuart's application was, that M. de Marini searched for and discovered the dispensations required ; they were of the years 1317 and 1322. M. de Marini's search extended from 1317 to 1452, not only in the Vatican and Castle of St. Angelo, but at the office of the Dataria ; and he found dispensations during the whole course of this period with little intermission. Mr. Stuart's research was for *Scotch* families, and dispensations to *Scotsmen* were alone furnished to him. Of these, however, there were found no less than sixty ; and verbatim copies of thirty-eight having been obtained, were afterwards printed by Mr. Stuart, together with the dates and names of the parties to the remaining twenty-two dispensations.¹

The next most important archives for antient marriage dispensations are the registers of the Archbishops and Bishops of this kingdom, in which are not only transcripts of, but (it is believed) original marriage dispensations. They are to be found of as early a date as the year 1300 in the library at Lambeth ; and some as early as the 12th century are in the British Museum.

Antient applications to Popes for marriage dispensations are to be found entered on the rolls called Roman rolls, preserved at the Tower of London. These records commence in 1305, (34 Edward I.) and conclude in 1483, (23 Edward IV.)

The records of modern marriage dispensations, or marriage licences as they are now termed, will be found in the registries of the several Bishops and Archbishops ; and the documents preserved in such archives are the affidavits made by parties applying for licences, and the bonds entered into by them at the same time.

¹ Stuart's Genealogical History of the Stewarts, London 1798, pages 405 to 468.

In London there are three distinct offices, where marriage licences can be obtained, and as each is independent of the others, distinct registries are kept in each. 1. The Bishop of London's officer in his Consistory Court, as head of the diocese. 2. The Vicar General, who has authority over the whole See of Canterbury. 3. The Faculty Office, or office of the Primate, which has jurisdiction over the See of York as well as of Canterbury. The first registry has licence records from about the fire of London; the second has them from the 8 August, 1666, twenty-five days prior to the fire, (all earlier records having been then burnt); and the third has books from about 1630.

There are other dispensations, which, though having no relation to marriage dispensations, must be noticed: they are entered on rolls, called the Dispensation rolls, and contain the inrolments of faculties and dispensations which have passed under the Great Seal. They are preserved at the Rolls Chapel, from the 37th of Elizabeth (1594), and are continued (but not regularly) to the 20th George II. (1747), there being several chasms supposed to have arisen from their not having been duly brought in by the clerk of the faculties and dispensations of the Court of Chancery, by whom these inrolments are made, and none has been brought into the Chapel since that time. There are no calendars or indexes to these rolls. The clerk of the dispensations and faculties has register books in which commendams, dispensations, degrees, and notarial faculties granted by the Archbishop of Canterbury for the time being, are entered from the year 1692 to the present time.¹

In the State Paper Office are dispensations from the year 1532 to 1698.

¹ Report on Public Records, 1800.

SPECIMENS.

PETITION TO THE POPE FOR A DISPENSATION, TO SOLEMNIZE
MARRIAGE BETWEEN DUNCAN DE FIFF AND MARIA MONT-
HERMER. 34 EDWARD I. 1305.

Pp° R' devota pedum oscula beator'. Considerantes dispendia que nob' et populis nro regimini subditis Angl' et Scotie nationū jam per div'sas vices irrogavit turbacio venenosa quam quidem iniquitatis filii in p'tib; Scotie ante hec temp'a cont' nos p'ditionali¹ suscitaverunt illa libenter psequimur ac jugi meditacōe studioq; p'vigili pcuram' per que pacem & tranquillitatem in d'cos nros subditos solidari credim' et dilectionem uberius confoveri. Cum itaq; pat' s'c'e super matrimonio int' nobilem virum Duncanū de Fiff ac Mariam de Monte Hermerii neptē nram contrahendo jam tractatus sit penes nos hitus aliquat' iidemq' Dunkanus et Maria p eo quod in gradu affinitatis phito se attingunt super quo vram s'titatem informare pot'unt pleni' p'sentiū portatores nequeunt absq; vra dispensacōe legitime copulari nosq' illor' copulacōem p bono pacis & dil'cionis int' d'cos nros subditos Angl' et Scotie nutriende futuřq; temporib's conservande desiderabilit' affectam' s'c'itati vře devotis p'cib's supplicam' quatin' p'missor' intuitu n'riq; rogaminis int'ventu ut iidem Dunkanus et Maria matrimonialit' conjungi valeant de aplice potestatis plenitudine dignemini si placet favorabilit' dispensare. Conservet &c. Dat. apud Lanecrost xxvij die Octobr' per b're de p'vato sig.¹

A PAPAL MARRIAGE DISPENSATION GRANTED TO ROBERT
STEWART AND EUPHEMIA ROSS, 1355.

Innocentius Episcopus, Servus Servorum Dei, Venerabili Fratri . . . Episcopo Glasguen. Salutem, &c.

Exhibite nobis pro parte dilecti filii nobilis viri Roberti Stivardi senescalli Scocie, ac dilecte in Xsto filie nobilis mulieris Eufemie, comitisse Moravie, relicte quondam Johannis comitis Moravie vidue Glasguen. et Moravien. dioc. petitionis series continebat, quod ipsi propter sedandas guerras, discordias, et inimicitias inter ipsum Robertum et dilectum filium nobilem virum Gulielmum comitem Rossia, Rossen. dioc. dicte Eufemie fratrem, et alios ipsius Eufemie consanguineos, ex interfectione cujusdam nobilis, et aliis de causis exortas, tractatum habuerunt super matrimonio inter se invicem contrahendo. Verum quia ipsi Robertus et Eufemia quarto consanguinitatis, et ex eo tertio affinitatis gradibus invicem se contigerunt; quod dicti Robertus et Johannes dum vivebant erant tertio con-

¹ From the Roman Roll at the Tower.

sanguinitatis gradu conjuncti, matrimonium hujusmodi contrahere nequeunt dispensatione super hoc Apostolica non obtenta, quod Roberti, qui ut asserit carissimi in Christo filii nostri David Scotie Regis illustris locumtenens existit, quique propter fecundissimam consanguineorum suorum propaginem in regno Scotie, vix valeat mulierem aliquam nobilem sibi parem, que aliquo consanguinitatis vel affinitatis gradu eidem non attineat, cum qua ipse Robertus possit matrimonium contrahere, et Eufemie prædictorum per te nobis fuit humiliter supplicatum, ut providere ipsis super hoc de oportune dispensationis beneficio dignaremur. Nos qui libenter Cristi fidelibus quietis et pacis commodos procuramus, fraternitati tue de qua plenam in Dño fiduciam obtinemus per Apostolica scripta committimus, et mandamus quatenus si est ita cum eisdem Roberto et Eufemia, ut impedimenti quæ ex hujusmodi consanguinitate et affinitate provenient nequaquam obstantibus, matrimonium inter se libere contrahere valeant, et in eo postquam contractum fuerit licite remanere, auctoritate nostra dispenses, Prolem suscipiendam ex hoc matrimonio legitimum nuntiando. Datum Avinione, vi nonas Maij anno tertio.¹

AFFIDAVIT ON OBTAINING A LICENCE.

“ Octavo Augusti, 1666.

“ Which day appeared John Taylor, of St. Giles in the Fields, in the county of Middlesex, gentleman, and alleged that John Betty, of St. Clement Danes, in the county aforesaid, Upholsterer, aged about forty-six years, and a widdower, intendeth to marry with Mary Sheppard, of St. Martin in the Fields, in the county aforesaid, aged about thirty-three years, and a widdow, not knowing of any impediment to hinder the said marriage. Of the truth of the premises he made oath, and prayed licence for the said parties to be married in the parish church of St. Michael Royal, London.²

“ JO. TAYLOR.”

¹ Stuart's Genealogy of the Stewarts, the copy of this and other dispensations were obtained from the Vatican Archives at Rome.—² In this instance, the licence was obtained by a third party ; such instances were rare, and now cannot occur : the oath must be by the intended husband or wife. This specimen is the earliest in the possession of the Vicar General of the Province of Canterbury, from whose books it was copied.

GENEALOGICAL UTILITY.

The long disputed marriages of Robert the Stewart of Scotland (King Robert II.) with Elizabeth More and Euphemia Ross in 1347 and 1352, involving the question of the legitimacy of all the succeeding kings of Scotland descending from him, have of late years been satisfactorily proved to have taken place by the *papal dispensations or bulls*, granted for the solemnization of those marriages, which were discovered of record in the archives of the Vatican.¹

In the Roxburgh peerage case in 1808, much important evidence, not connected with the proof of a marriage, was obtained from the *affidavit* made on applying for a licence in 1726, to solemnize marriage between the Honourable William Bellenden and Miss Jacomina Farmer. By this *affidavit*, Mr. William Bellenden's age appeared to have then been twenty-four, whereby the Committee of Privileges of the House of Lords ascertained that he was *younger* than his brother Robert, whose baptismal certificate had been produced in evidence, and as William's son succeeded to the family titles immediately on the death of the common ancestor of Robert and William, it was clear that Robert must have been then dead, without issue surviving.

In the Strathmore peerage case in 1821, the *affidavit* made by Lord Strathmore on his application for a licence, and the *marriage licence*, were produced in support of his Lordship's marriage.²

In the Howard of Walden peerage case in 1806, there were produced to the Attorney General in support of the marriage of Charles Rose Ellis, Esq. copies of *an authority* from the Archbishop to Sir William Scott to *pass a special licence*, of the *affidavit* made by Mr. Ellis to obtain the licence, and of the entry in the parochial register.³

In the Zouche peerage case in 1804, *an original book of entries of marriage licences* was produced before the Committee of the House of Lords, from the Vicar General's office for the province of Canterbury, to prove the marriage of Charles and Catherine Tate in 1720; and another *book of entries of marriage licences* was produced from the same office, to prove the marriage of Samuel Long and Mary Tate in 1723: the original bonds and affidavits entered into on granting these licences not having been discovered.⁴

In the Gardner peerage case in 1825, the marriage of Alan Hyde Lord Gardner was proved before the Committee of Privileges of the House of Lords, by production of the *special licence* of the marriage and the parochial register.⁵

¹ Andrew Stuart's Genealogy of the Stewarts, 1798.—² Printed Minutes of Evidence, 1821.
—³ Printed Minutes of Evidence.—⁴ Printed Minutes of Zouche Peerage.—⁵ Printed Minutes of Evidence.

INQUISITIONES AD QUOD DAMNUM.

1 EDWARD II.—1307.

TO

38 HENRY VI. — 1460.

9 CHARLES I.—1634.

TO

6 GEORGE IV.—1826.

THESE Inquisitions were taken by virtue of writs directed to the Escheator of each county, when any grant of a market, fair, or other privilege, or licence for alienation of lands was solicited, to enquire by a jury, whether such grant or alienation would be prejudicial to the king, or any other person, in case the same should be made. They also contain a variety of other information, such as inquisitions on murder, theft, felonies, fugitives, of the king's lands, &c.

Those prior to the year 1460, are at the Tower. A calendar of them, with indices locorum et nominum, has been published by the Commissioners on the Public Records.

Amongst the Brevia Regia at the Petty Bag office, are the writs of ad quod dampnum, and inquisitions of damages, from the 9 Charles I. to the present day.

GENEALOGICAL UTILITY.

The inquisition, of which a copy is given in the following page, was produced before the Committee of Privileges of the House of Lords in the Marmyon peerage case, in support of the claim of Lewis Dymoke, Esq. to the Barony of Marmyon.¹

¹ Minutes of the Evidence, p. 17, 1818.

SPECIMEN, 13 EDWARD I. 1284.

Inquisitiō f̄c̄a p p'ceptum dñi Reḡ utrum esset ad dampnū dñi Reg' v̄l ad nocumentū v̄l ad dampnū alior' si dñus Rex concedat dilecto & fideli suo P̄ho Marmyun qđ ipe P̄hus māgro Hospital' s'c'i Jacobi extra Thamwurth ad sustentacōem quinq; capellanor' in eodem hospitali divina celebrancium dare possit & assignare quinq; mes' unū molendinum tres carucatas & triginta & octo acr' terr', viginti & duas acr' prati, viginti et tres acr' & tres rodas bosci, & reddit' unius libre pipis & unius libre cymini, cum p̄tin' in Coningesby, Holtham, Wodenderby, Wilkesby, Dalderby, Scrivelby & Lincoln' et advocacōem eccl' de Wilkesby, hēd' & tenēd' eidem māgro & successorib; suis ad sustentacōem capellanor' illor' inppetū, necne; et de cujus feodo p'dicta mes' molēd' v̄ra pratum boscus reddit' & advocac'o sint et de quo immediate teneantur et p qđ servitiū & quantum valeant p annū in omnib; exitib; p sac̄m subscriptor', scil't, Petri de Dalderby, Johis de Weingworth in Scrivelby, Huḡ Fraunkelayn de Langeton, Robti fil' Huḡ de Hemingby, Ric'i Le Chapelayn de eadem, Wiffi Cade de Stretton, Will'i de Stretton, Will'i de Burton in Holtham, Robti le Tanner de eadem, Rob'ti de Thorneton, Rob'ti Colyn de Conyngesby & Thom' le Bynder de eadem; Qui dicunt super sac̄rum suum qđ om̄ia p'dc'a ten' dudum fuerant pertinent' ad māhūm de Scrivelby, scil't, temp'e dñi J. Reg' avi dñi Reg' qui nunc est, quod quidem māhūm tunc de dño Rege tenebatur in capite et adhuc de dño R' qui nunc est in capite tenetur per p'dc'm P̄hum Marmyun et qđ antecessores ip'ius P̄hi om̄ia p'dc'a ten' alienaverunt in div'sis locis & manib; Sed dicunt qđ p'dc'us P̄hus Marmiū om̄ia p'dc'a ten' reperquisivit, ita qđ nunc ea tenet tanquam de perquisito suo ut dicit in forma p'dc'a. Dicunt eciam qđ om̄ia p'dc'a ten' nunc teneantur de p'dc'o dño Rege in capite, et qđ p'dc'us P̄hus Marmiū eas tenet in forma p'dc'a in capite. Et qđ valent per annū in om̄ib; exitib; simul cum advocac'one eccl'ie p'dc'e viij^{li}. xix^s. j^d. ob. et qđ esset ad dampnu' dñi Regis tantum quantum p'dc'a ten' valent, si p'dc'm māhū de Scrivelby esset in manum dñi Regis per custodiam vel per eschaetam vel aliquo alio modo sicut esse p' vel esse consuevat. In cujus rei testim' p'dc'i juratores huic inquisic'oi sigilla sua apposuerunt.

EXTRACTA DONATIONUM.

3 EDWARD II. — 1309.

TO

25 EDWARD III.—1351.

THE records bearing this title are preserved at the Tower, and are in-rolled abstracts of gifts and grants,¹ chiefly of lands and rents for term of life, and the custody of property during the minority of infants: much information relating to heirship is contained in them, but there is no calendar of their contents. It would appear from the copies of writs (entered upon them) directed to the King's Escheators, that the Extracta Donationum were compiled for the purpose of furnishing the Escheators with schedules of lands and profits no longer in the king's hands, or having the reversion in the king on the death of the tenant, or having any rent or service due thereout. They begin with the 3d of Edward II. and end with the 25th Edward III., but it is possible that similar records of earlier and later dates exist in some of the valuable but unexplored archives of the Exchequer, which are left in so disgracefully neglected a state. There are in some instances memoranda in the margin of the record, stating from what rolls the extracts were taken, as is noticed in the specimen.

I have not met with any instance of these records being used for genealogical purposes, although Sir William Dugdale transcribed many of them,² doubtless at the same time that he abstracted or transcribed many other records to enable him to compile his Baronage; nor do I know of any publications mentioning or referring to them, excepting the Repertorie of Records, by J. Powell, Esq. in 1631, and the History of the Tower of London, by John Bayley, Esq. in 1824. There are twenty-seven rolls of the Extracta.

¹ Bayley's Tower, p. 222.—² Bodleian MSS. 7376.

SPECIMENS 3 AND 4 EDWARD II. 1309, 1310.

anno t'tio. { Patentes de R' pardonavit Henrico de Urtiaco omnes exitus per ipm perceptos de hundredis de Bulleston et Abbedyk a vicesimo octavo die Julii anno regni R' patris R' nu'c t'cesimo secundo usq' ad decimu' diem Martii anno regni R' nu'c t'tio. T. R' apud Westm' xvij die Martii anno &c. t'tio.

quarto. { Patentes de Item R' concessit custodiam terrar' que fueru't Rob'ti de Wassynge &c. Rob'to de Watevill usq' ad legitimam etatem hered' &c. una cum maritagio, et concessit ei ult'ius p'dictā custodiam usq' ad legitimam etatem hered' p'dc'i Rob'ti de Wassynge una cum maritagio hered' p'dc'i et sic de herede in heredem quousq' idem Rob'tus de Watevill effectum maritagii alicujus heredis fuerit assecutus. T. R' apud Blidam vij die Augusti anno &c. quarto.

Ifm R' co'misit Rad'o de Monte H'merii custodiam t'rar' et ten' que fueru't Thome de Merk defu'cti qui de R' tenuit in capite H'end' cum omibz ad custodiam illā spectantibz usq' ad legitimam etatem heredum ipius Thome una cum custodiis t'rar' et ten' que Lora que fuit uxor ejusdem Thome tenet in dotem vel alias ad terminu' vite sue de hereditate p'dc'a H'end' post decessum ipius Lore si eam mori contingat de'is heredibus infra etatem existentib's et una cum maritag' hedis p'dicti H'end' siue disp'agac'one et si de herede p'dc'o humanitus contingat anteq'm per p'fatu' Rad'm fuerit maritatus tunc p'fatus Rad's heat maritagium p'pinq'ioris hered' ipius et sic de herede in heredem quousq' effc'm maritagii alicujus hered' p'dictor' fuerit assecutus. T. R. apud Ber' sup' Twedam xx die Novembr' anno p'dc'o.

Ifm R' concess' Alex'o de Bykenore parcum de F'raunmantel H'end' ad totam vitam suam. T. R. apud Ber' sup' Twedam xvij die Maii.¹

¹ From the Originals in the Tower.

WILLS AND ADMINISTRATIONS.

5 EDWARD II. — 1311.

TO

6 GEORGE IV. — 1826.

It is needless to describe documents so well known as Wills and Administrations, and on the first of which the title to nearly every acre of land in the kingdom depends.¹ Their genealogical value is however important on various accounts: they are the principal and often only records by which families in the middling class of life can trace any descent prior to the introduction of Parochial Records, for the inquisitions *post mortem* were only taken on the tenants in capite, or on persons presumed to be such; secondly, the *quantity* of genealogical information in wills is of great value; the testaments of men of property almost invariably name two and frequently three or four clear descents of pedigree, whilst the limitations of estates, and bequests of legacies, bring to light kindred who could not otherwise have been traced; thirdly, the sanctity belonging to wills in the minds of the testators, and the useless wickedness, as far as they can be concerned, of any deception, render them instruments of great authority; and lastly, the description of estates appearing by antient wills to have belonged to a family, and the wardships of children frequently directed by testators before the abolition of the court of wards and liveries², may lead to

¹ There is an entry on the Parliament Roll of 16 Richard II. in these words, “Fait à re-membr’, Qe les Prelatz, Seign’rs Temporels, & Communes, s’assenterent en plein parlement, q’ n’re S’r le Roi et ses heirs & successours Roys d’Engleterre purront franchement faire lour testamentz, et q’ execution purra estre faite d’icelles.” By statutes of 32 and 34 Henry VIII. persons may *devise* their lands and tenements; of those, however, held in capite, only two-thirds could be devised, the remaining third was to descend to the heir at law, to answer the duties of the crown: but tenure in capite being abolished by 12 Charles II. devises then became, and have since continued good for the whole lands.—² An interesting specimen of a father’s directions to his kinsmen for application to the king to obtain the wardship of his son, and to compound for such son’s wardship, custody, marriage, &c. may be seen in the will of Sir William Tate, dated 1650, printed in the Minutes of the Zouche peerage case, 1805.

other documents containing information not to be found in the wills themselves.

The date of probate of a will, or date of grant of letters of administration, generally points out the period of the deceased's death; and the legacy books at the stamp office afford evidence not only of the *degree* of relationship of a legatee, but also of the common ancestor through whom such relationship exists. These books originated with the tax about twenty years since.

It is clear that soon after the Conquest, the cognizance of wills belonged to the clergy; Glanvil, in the time of Henry II. testifies as much; but Sir Henry Spelman, who wrote a treatise of the "Original of Testaments and Wills and of their Probate, to whom it antiently belonged," says it is hard to find manifest proof thereof in those antient days of the Conqueror and his sons.¹

From the Roman Catholic priests the right of granting probate of wills and letters of administration has descended to the Protestant clergy. Each Bishop has a separate court extending (except as here stated) over his diocese; and each Archbishop has a court, exercising jurisdiction not only over his own diocese, but that of his suffragan Bishops. The province of York includes the dioceses of York, Durham, Carlisle, Chester, and Sodor and Mann; the remaining twenty-two bishoprics are subject to Canterbury.

² Within many of the dioceses are various peculiar and exempt jurisdictions, so called from not being under the ordinary jurisdiction of the Bishop of the diocese. There are different sorts of peculiars: as royal peculiars, which are under the immediate jurisdiction of the crown; and peculiars under the jurisdiction of Deans and Chapters, Archdeacons, Prebendaries and other dignitaries; and there are also peculiars which formerly belonged to monasteries, but are now, in consequence of their dissolution, in lay hands. In some Seignories or Lordships, the probate and approbation of the testaments of the tenants there dwelling, does by prescription appertain to the principal Lord; and in some manors, wills are by prescription to be proved before the steward, though no lands thereby pass. By custom also, the probates of wills of Burgesses belongs to the Mayors of

¹ Spelman as above, p. 131, Edition 1721.—² Lawton's Treatise on Bona Notabilia, 1825, p. 2.

some boroughs ; yet, as to personal property, the will must be proved before the Ordinary.¹

The existence of these courts of peculiars is much to be regretted ;² their number and insignificance are so great, that parties whose wills are preserved in some of them, are often presumed to have died intestate : the genealogist, therefore, cannot too well bear them in mind.³

“ Sometimes you shall find wills proved and administration granted in severall diocesse (quoad) unto severall parts or parcels of the estate of the defunct, lying and being at the time of his death so separate and divided, and sometime those which of right are proved or granted and recorded in the prerogative, to be likewise called to be proved or recorded in the proper diocesse.

“ For such wills as fall in time of visitation, either of the Archbishop or Bishop of the diocesse, you must search for them according to the rule of their times, and yeares of visitation, wherein they are very certaine.

“ And (as I take it) heretofore, when the Pope had power of visitation in England, hee tooke likewise probate of wills, &c. ; which may very well now be missing inter alia.

“ There be some wills of the deceased which cannot be found with the register of any court Christian, and yet are extant in the chaple of the Rolls of Chancerie, or the Tower in their offices (i. e. inquisitions) *post mortem*.

“ And lastly, some wills which cannot be found either with register of court Christian or in Chancerie, may (in case, inter alia, where the deceased

¹ Lawton on Bona Notabilia, p. 12.—² The perquisites of the registry of wills in a court of peculiars are often not equivalent to the expences of the registrar. In one instance the travelling charges of the Commissary of a court of peculiars, extending over a small part of the county of Surrey, for the purpose of administering the customary oaths to churchwardens, and performing other duties, amount to twenty pounds per annum ; whilst the average annual profits of the office are about fifty shillings.—³ A list of the various courts of peculiars in the province of Canterbury was published some few years since by order of the Record Commissioners in the Valor Ecclesiasticus, or Survey of the value of all Ecclesiastical property in the time of Henry VIII. ; the contents of the majority of the Episcopal, and of some few other registries, may be seen in the House of Commons Report on Public Records, 1800 ; and the whole were, together with additional information, arranged in alphabetical order of the dioceses, and published in a volume entitled “ Notitia Historica,” by Mr. Nicolas, in 1824. A list and short “ account of the Archiepiscopal courts of probate within the province of York, and of the other courts of probate in the counties of York and Nottingham ; and an alphabetical list of such parishes and chapelries within the said counties, as are not under the ordinary jurisdiction of the Archbishop of York in matters of probate and administration,” were published in 1825, by Mr. Lawton of York.

hath devised any thing to any societie, or bodie politique) bee found inrolled in the House, Colledge, Hospitall,¹ Hall, Abbey; &c. to whom such things were devised; or amongst the records of such societies dissolved, or amongst the evidences of such as unto whom the same things so given have sithence come, if you pursue the same.”²

It is possible that original wills and transcripts may be found with the deeds and evidences of the wards of the Court of Wards and Liveries, still preserved at the Chapter House.

In 1653, by an ordinance of the Commonwealth Parliament, judges were appointed for the probate of wills and granting administrations in all and every the counties and cities of England and Wales; and if they saw cause, they were to divide themselves into several places for the executing of the power given by the said ordinance, and the fees arising therefrom were to be appropriated to the use of the navy. This law, which was to endure for six months only, was continued by subsequent ordinances until the Restoration;³ and although the probate of many wills might have been granted in various parts of England, yet it is presumed they could only be registered in London.

Many probates of wills, however, during these periods were granted, of which no registration is to be found, even in the prerogative office: and these probates are frequently found amongst antient family evidences.

There are in many public libraries⁴ copies of wills of a very remote period; some even of Saxon testators;⁵ and very early testaments are entered on the Close rolls, and in the *Inquisitiones post mortem*; but the earliest consecutive collection of wills is that entered in the various Archbishop's registers, which are kept at Lambeth palace, of which a calendar was made by Dr. Ducarel.⁶ The first entry therein is in 1312, and thence does this chapter take its date; the last entry is in 1636: in number they are under 1600. Transcripts of wills dated about 1370, are in many ecclesiastical courts.

Although in the Returns to the House of Commons it has been stated,

¹In the claim to the De L'Isle Peerage in 1825, the *original will* of Robert Earl of Leicester (temp. Eliz.) was produced to the House of Lords Committee, by the Master of the Hospital at Warwick, founded by the said Earl of Leicester, where it had been deposited at, and preserved from the time of the testator's decease.—²Powell's Direction for search of Records, 1622.—³Scobell's Ordinances; the last ordinance was in 1656.—⁴As in the British Museum, and Lambeth Palace; see the Lambeth private catalogue, printed 1812.—⁵Archæologia, vol. XX. p. 481; and in Madox's *Formulare Anglicanum*, is a specimen.—⁶The fee taken for an examination of this catalogue, was ten shillings and sixpence.

that the *original* wills preserved in the registries of most dioceses commence between the years 1500 and 1600, yet this must be understood, it is presumed, with great allowances, and rather that there are *some few original wills* of that period, than that they have been thenceforward regularly preserved; for on the production of a *copy* of the will of Ambrose Earl of Leicester, dated 1589, before the Committee of Privileges of the House of Lords in 1825, the clerk of the prerogative office of Canterbury, in attendance with the copy, stated "the office had not the original will" (the return to the House under the Record Commission states it to contain the originals from 1505¹); "that it was the custom of the office in that day to "deliver back to the executors the wills when they had been proved and "registered; that it was done in nine cases out of ten; that all wills were "not delivered back; that the practice altered to not delivering back the "original wills, within the last century or so; and that he knew it was the "practice at that time to return the original wills, because in several cases he "had seen receipts *Received back such a will*;"² and in the claim to the Roos peerage, a *transcript* of the will of Lady Willoughby in 1642, was received in evidence before the Committee of the Lords, the witness who produced such a transcript from the prerogative office stating, that the original could not be found.³

The Archbishop of York has no prerogative over the province of Canterbury; if, therefore, a deceased should have *bona notabilia* in each province, there must be separate administrations;⁴ and a Canterbury or York prerogative probate will not cover effects in Ireland.⁵ If there be no *bona notabilia*, the testament is to be proved before the judge of the diocese or his officer.⁷ When the bishopric is vacant, the Bishop's right devolves to the Metropolitan; when the archbishopric is void, to the Dean and Chapter.⁸ If a person should die in some *peculiar* jurisdiction, and not leave *bona notabilia* in any other jurisdiction or diocese, the judge of the peculiar claims the right of probate,⁹ &c. Generally speaking, probate by an Archdeacon's court is merely granted as to the effects within the Archdeaconry, but the Bishop may give an Archdeacon greater authority.¹⁰ If the deceased should have left *bona notabilia*

¹ Record Report, 1800, p. 304.—² Minutes of Evidence in the De L'Isle Peerage, 1825, p. 205.—³ Minutes of Evidence in the Roos Peerage, p. 278.—⁴ *Bona Notabilia* are such goods and debts as require administration, and are therefore termed *Notabile*; the value of them is fixed by the 93d canon at five pounds, except in London, where it is ten pounds.—⁵ Lawton's Treatise on Bona Notabilia, p. 4.—⁶ Same, p. 5.—⁷ Same, p. 10.—⁸ Same, p. 19.—⁹ Same, p. 11.—¹⁰ Same, p. 12 and 13.

in several dioceses in one province, or in a diocesan jurisdiction and in a peculiar, or in two peculiars, or should have possessed money in the name of the accountant general of the court of chancery, or have died, dwelling beyond the seas, or if he should have been a Bishop, administration must be granted by the Archbishop.¹

Royal wills or transcripts are in existence from the reign of Henry II.: they are in the Exchequer, or other royal repositories, and in the Archbishop's custody at Lambeth.²

The registers of wills vary as to date in every diocese: the following list is principally collected from the official returns to parliament.³

Canterbury, Prerogative Office	1505	Hereford	-	-	-	1517
Transcripts	- - 1383	Norwich	-	-	-	1521
Lambeth Palace	- - 1312	Bristol	-	-	-	1682
York	- - 1590	Rochester	-	-	-	1508
Transcripts	- - 1389	Transcripts	-	-	-	1440
London	- - 1373	Chester	-	-	-	1590
Transcripts	- - 1368	Gloucester	-	-	-	1541
Winchester	- - 1660	Oxford	-	-	-	1579
Ely	- - 1478	Transcripts	-	-	-	1528
Lichfield and Coventry	- 1526	Exeter	-	-	-	1592
Lincoln	- - 1531	St. Asaph	-	-	-	1660
Bath and Wells	- - 1660	Transcripts	-	-	-	1565
Chichester	- - 1600	Bangor	-	-	-	1635
Transcripts	- 1518					

¹ Lawton, p. 19 to 23. Mr. Lawton in his Treatise has given a multitude of authorities in support of his statements.—² Copies have been printed in the *Fœdera*, and in Nichols's *Royal Wills*. Two volumes have lately issued from the press, entitled "*Testamenta Vetusta*, or abstracts of the wills of the royal family, nobility, and gentry, from the reign of Henry II. to the accession of Elizabeth, by Nicholas Harris Nicolas, Esq."—³ Report on Public Records, 1800.—⁴ Wat Tyler and his rebels are said to have destroyed those of earlier date. See Maitland's *London*.

INSTANCES OF THEIR GENEALOGICAL UTILITY.

A paper, purporting to be the will of the grandfather of a testator, in whose possession the paper was after his decease found in his drawer with other private papers, although found cancelled, without evidence ever given of its having been acted upon, or of probate of it having been taken out, *is yet evidence* of its recognition by the grandson, as the declaration of his ancestor concerning the state of his family, so as to let in the contents of it for the purpose of shewing, that the ancestor acknowledged a brother of the name of Thomas to be older than another brother named William.¹

In the De L'Isle peerage claim, a book from the prerogative court of Canterbury, containing a *transcript* of the will of Ambrose Dudley Earl of Leicester, was not allowed as evidence until it had been explained, that search had been made in vain for the original will at Penshurst.²

In the same peerage case, many wills were produced as evidence of the petitioner's descent, and of his ancestor's families.

In the Marmion peerage case, a modern will was received as evidence, in lieu of the coronation roll of George III., which had not been made up, that the father of the claimant (the testator) exercised the office of champion.³

In the Molesworth peerage case, many descents in the petitioner's pedigree were proved solely by wills.⁴

In the claim of Lady Henry Fitzgerald to the Barony of Roos, numerous *Wills and Administrations* were produced as evidence of the petitioner's descent and claim.⁵

In the Molesworth peerage case, *Letters of Administration* were received as evidence of the death, without issue, of William John sixth Viscount Molesworth.⁶

In the Chandos peerage case, the evidence of the deceased's next of kin, derived from certain *Letters of Administration*, contributed materially to defeat the petitioner's claim to the barony.⁷

In the Zouche peerage case, Sir William Tate's will was produced, in which were directions for obtaining from the king the wardship of the testator's son, and the Counsel (in reply to a question from the Lords) explained why search had not been made among the records of the court of Wards and Liveries for the proceedings.⁸

In conclusion, Wills and Administrations are to be found as the most frequent evidences of descent, in the majority of pedigrees in existence.

¹ Doe d. Johnson v Earl of Pembroke, 11 East's Reports 504.—² Printed Minutes of Evidence, 1805, p. 203.—³ Printed Minutes of Evidence, p. 107.—⁴ Printed Minutes of Evidence, p. 7, 17, 18.—⁵ ⁶ ⁷ ⁸ Printed Minutes of Evidence in these respective cases.

GRANTS AND RESTORATIONS OF FORFEITED LANDS.

15 EDWARD II.—1321.

TO

17 EDWARD II.—1323.

THERE are three rolls of this description in the Tower, two being indorsed "*Clause de terris forisfactis liberand'*;" and the other "*Carte de tris forisf' c'is dat div's aliis p'sonis*:" they relate to the years 1321, 1322, and 1323; and are as important for the periods to which they refer, as the Patent or any other rolls containing grants. Two out of the three records, relate to the restoration of the forfeited lands to the offending parties; and as these rolls often recite the pardons which had been granted to the same persons, the records might be useful in proving such facts; their contents, which are considerable, have not yet had the benefit of a calendar.

Although the earliest of these rolls bears date 15 Edward II., yet it has retrospect to forfeitures under Edward I.¹

No instance of their having been used for genealogical purposes has come to my knowledge, though it is most probable they were taken advantage of by Dugdale, as he transcribed part of them;² I do not find them referred to in any work, excepting "The Repertorie of Records," by Powell, in 1631, and "The English Historical Library," by Bishop Nicolson, of which the second edition was in 1714.

¹ Nicolson's English Library, 1714, p. 203.—² Bodleian MSS. 6494—4. B. 2.

SPECIMENS.

CARTÆ DE T'ris FORISFACTIS DAT' DIV'S ALIIS PERSONIS.

R' iiii die april' dedit concessit et carta sua confirmavit Hugoni le Despens' seniori man'iū de Kenyngton cum hamelettis membris et ptin' suis quib'scūq' in com' Surr', mesuagio de Faukes Hall cum ptin' excepto, que fuerunt Rog'i Damory inimici et rebellis R' que p forisfcm ejusdem Rog'i ad manus R' tanq'm escaeta R' devenerunt. H'end' et tenend' eidem Hugoni ad totam vitam suam de R' et hered' R' ac aliis d'nis feodor' illor' adeo lib'e et integre et p eadem servitia que de d'cis mañio. hamelettis membris et ptin' suis debebant' anteq'm ad manus R' sic devenerunt. Ita qd post mortem ip'ius Hugonis man'iū p'dcm cum hamelettis membris et ptin' suis p'dcis, dco mes' de Faukes Hall cum ptin' excepto, Hug' le Despens' juniori et her' suis de corpore suo legitime per' remaneant. Tenend' de R' et her' R' ac aliis d'nis p'dcis p s'vitia supradca inp'fm. Et si idem Hugo le Despens' junior obierit sine her' de corpore suo legitime pcreato tunc man'iū p'dc'm cum hamelettis membris et ptin' suis p'dc's, d'co mes' de Faukes Hall cum ptin' excepto, ad R' et ad her' R' integre rev'tant'.

p ipm R' nunc' Wiffo de Clif.

R' viij die Maii dedit et concessit et carta sua confirmavit Hugoni le Despens' Juniori man'iu' de Sw'nestok cu' ptin' in com' Wygorn' quod fuit Rog'i de Clifford, et man'iu' de Oxendon cum ptin' in com' Glouc' quod fuit Wiffo Tuchet, inimicor' et rebelliu' R' que quidem man'ia p forisfcm p'dc'or' Rog'i et Wiffo ad manus R' tanq'm escaeta R' devenerunt. H'end' et tenend' eidem Hugoni et her' suis de R' et her' R' ac aliis d'nis feodor' illor' p s'vitia p que dca mañia cu' ptin' tenebantur anteq'm ad manus R' sic devenerunt inp'petuu'.¹

per bre' de p'vato sigillo.

CLAUSE DE TERRIS FORISFACTIS LIBERAND'.

Quia Thom' de Langeford nuper inimicus R' fecit redempcoem suam cu' R' p vita sua salvand' et t'ris suis h'end' R' x die Julii mandavit custod' t'rar' et ten' ip'ius Thome q'd eidem Thome t'ras et ten' suas libent. per ipm R' et consiliu'.

R' viij die Octobr' mandavit Will'o Grammary q'd omia bona et catalla Thome de Shirudg que p eo q'd ip'm Thomam quibusdam de causis nuper R' arestari mandavit penes se retinuit et adhuc in custodia sua existunt eidem Thome libet.

Eodem modo scribit' priori de ²

¹ Ex Rot. Cart. de terris forisfactis 15 Edward II. in Turr. Lond. — ² Ex Rot. Claus. de terr' forisfact' liberand' 17 Edward II. in Turr. Lond.

GUILD, FRATERNITY, AND CORPORATION REGISTERS.

9 EDWARD III.—1335.

TO

6 GEORGE IV. — 1826.

GUILDS, or fraternities, were societies or associations of persons in the same town, profession, or class, confederated together for the common cause of trade, or charity, or religion. They were bodies corporate, licensed by the crown; had power to purchase lands, to build chapels, to erect altars, to maintain chaplains and priests, to hold frequent and private meetings, to make annual public processions, and to administer oaths upon the admission of their members. Some of the richer fraternities had companies of minstrels, and occasionally amused the public with pageants, and with plays, taken from the Old and New Testaments. Their charities were extensive and voluntary. In some respects they resembled the benefit societies of modern times, but were more numerous. Almost every parish contained one guild, and sometimes several guilds, which had each a patron saint, and a chapel or altar at times in the parochial church, and at other times in a distinct building annexed to the guildhall.¹

Richard I. is said to have introduced societies or companies into London, but the period at which the greatest number of guilds was founded, was from the 15th to the 16th century.

There are several Registers of Fraternities or Guilds in the British Museum, the earliest is perhaps that of the Body of Christ of Boston, commencing in 1335,² from which the date at the head of this chapter is assumed: a short account of it may serve as an illustration of others. The Register commences with the following preface:—

¹ Taylor's *Index Monasticus*, p. xvj. London, 1821. folio.—² Harleian MSS. 4795.

“ Ad honorem transubstantiaçois Corporis Christi et ad ppetuā memoriā fratrū et sororū fraternitatis sive gilde ejusdm corporis Xpi in villa de sçō Bōtho p Gilbert Alylaunde de eadēm mēcatorē fundate iste liber ordinat’ p Aldermannū et conf’res ejusdm fraternitatis vocat’ Registrū Gilde sive Fraternitatis corporis Xpi de Boston in quo quidm Registro sunt primo scripta omīa noīa fratrū et sororū ejusdm gilde de tēpore prime fundaçois existent’ et omīa noīa fratrū et sororū de cetero p Aldermannū et confratres admittend’ videlt qui solverūt debita gilde in isto libro vital’ memorie debe’t p eosdem annis singulis registrari non sçdm ordine’ dignitati’ psonar’ sed sçdm recepçōem suā in dçam fraternitatē. Sequit’ etiam in eode’ registro unum Kalendariū cū spatio sup que’libet mensem ad registrand’ ibm noīa fratrū et sororū dçe gilde defunctor’ et specialit’ noīa fratrū et sororū seu benefactor’ gilde qui dederunt seu dare voluerunt aliquod memoriale gilde vī quor’ obitus Aldermannus et conf’res ejusdm gilde annuatī observare tene’t Et ult’ius in dçō registro est reg’la omī obitu’ p aldermannū et conf’res sing’lis annis inpetuum tenend’ et celebrand’ videlt qua’tū et sub qua for’ Aldermannus et conf’res p div’sas indenturas in thesauro gilde remanēt debēt dare p’sb’ris et cīcis seu erogare paupib; annuatim.”

This introduction is followed by annual lists of the members, from 1335 to 1543, the date of the last entry; and among the names are many of note. They are entered as in the following transcript.

- | | |
|--|--|
| 1343 Gilbertus Alilaunde fundator et Aldermannus huj’ fraternitatis. | Domina Margareta ux: Wiffi de Spaygne. |
| Thomas Habraham et } Camerarii. | Dñs Johes Meeres clicus rector de Leuerton. |
| Johannes Hamonde } | Dñs Reginald’ de Donyngton. |
| Robertus Ketylby } Coadjutores. | 1346 Dña Alicia Lacy Comitissa Lincoln’. |
| Johes Latover et } | 1347 Dña Margeria le Roos. |
| Henric’ Russell } | Johannes de Kyrketon Miles. |
| Domina Blanchia uxor Ducis Lancastrie. | Joh’es de Skynlek pincerna Edwardi principis Wallie. |
| Mathus Redeman Miles. | 1350 Gratosissimus Rex Edwardus tertius a conquestu Anglie, pater et erector istius fraternitatis. |
| Wiffus de Wymondham. | Philippa regina Anglie cōsors sua benignissima. |
| Racerus de Rocheford Miles. | Edwardus filius eorū princeps Wallie victoriosus, &c. |
| Thomas de Mapylton rector de Fra’p-ton. | |
| Adam, rector de Tofte. | |
| Alicia ux: Wiffi de Spaygne. | |
| Agnes ux: Johis Wryght. | |

In 1426, it was ordained that no brother or sister should thereafter have his or her name in "isto libro vital' memorie antequa' solvat xliiij.s. et iij.d. p' ingressu suo."

After this period the entries are fuller, descriptions and residences being added to the names of the members of the society.

The ensuing extract is from the register of another fraternity; and it will be seen that its contents offer no contemptible aid to the genealogist, relating as they do to individuals of rank, and setting forth the names and parentage of wives, and whole families of children.

" Nomina seculariū ad fraternitatem recept'.¹

" Anno D'ni miffimo quadringentesimo septuagesimo quinto tertio die Junii per literam venerabilis patris Domini Wiffmi Abbatis et Conventus recepti fuerūt in fraternitatem nostri Capituli illustrissimus princeps Dominus Georgius dux Clarencie cū inclitissima principissa Domina Isabella consorte sua ac Domino Edwardo filio suo.

" Thomas Stanley comes de Derby et Anna uxor ejus.

" Edwardus Bensted de Benington Armiger et Jocosa uxor ejus filia Baronis de Dudley.

" Joh'es Ferrers Armiger Ballivus libertatis huj: monasterii et Katherina uxor ejus cum eoru' liberis Joh'e Wiffmo Thoma Bracia et Margareta recepti sunt in fr'nitatem nram mediante d'no Joh'e Bensted priore de Tynmouth fr'e pfate Katherine.

" Edmundus Dudley Armiger et d'na Elyzabetha uxor ejus filia d'ni Edwardi Gray Vicecomitis Lylley."

In 1436² an act of Parliament was passed against unlawful orders made by guilds, fraternities, and other companies incorporate; they were, doubtless, frequently political assemblies.³

Although many registers of antient guilds or fraternities are in the public libraries throughout the kingdom, yet the total number is, perhaps, inconsiderable in comparison with the number of such establishments; but of existing companies, the records will, in general, be found perfect for the last two or three centuries, and by their means an important number of families, from the rank of Duke⁴ downwards, may have good evidence of their descent.

¹ The Register of Benefactors and Members admitted to the Fraternity of St. Albans, Cottonian MSS. Nero D. VII.—² 15 Henry VI. c. 6.—³ The act recites, that these guilds often made "disloialx et meins resonable ordenaunces."—⁴ The Duke of Leeds, as is notorious, is the descendant in the male line of a Citizen and Lord Mayor.

Persons resident within the jurisdiction of cities or boroughs, are not permitted to trade within such districts, without having previously obtained the freedom of such city or borough, or of London, whose privilege extends to all places throughout England; this freedom may be obtained four ways.

1. By servitude, that is, apprenticeship to a freeman.
2. By patrimony, that is, being the child of a freeman, born after the parent's admission to his freedom.
3. By purchase from the city or borough.
4. By gift of the city or borough.

The first two are the most frequent, and in both instances the entry in the registers of the corporation of London states the names of the parent of the child being bound apprentice, or claiming freedom by patrimony; in the former case the boy's minority, if not exact age, will appear, and in the latter there will be a reference to the entry of the parent's freedom, where similar particulars of such parent will appear.

The following extract is the copy of an entry of the admission of Edward Jenks, taken from the second page of the earliest record book of admissions to the freedom of the city of London, in the possession of the corporation of that city.

“ 10 February, 1786.

“ Edward Jenks, son of James, citizen and joyner, came before the Chamberlain and desired to be admitted into the said freedom, for that he is legitimate, and was born after the admission of his father, as Thomas Touse, James Jenks, John Hart, Charles White, Richard Purney, James Boudon, citizens of London, to the premises attested:—— was admitted and sworn

“ Father's admission, 1740.”

On reference to the minute-book of the corporation of that date, it appears that Edward Jenks was born “ *out* ” of the city of London, *in the year* 1763; and on reference to the file of original papers and documents for February 1786, will be found the original petition of the said Edward Jenks, praying to be admitted to the freedom, with the further information that *he was born in the parish of Saint John's, out of the city*; and the same is *subscribed by him*. Underneath are the signatures of six responsible freemen of the city, called compurgators, certifying that Edward Jenks *was the legitimate son of James Jenks*, in the following form:—

“ We declare upon the oaths we severally took at the time of our admission into the freedom of this city, that Edward Jenks is the son of James Jenks, citizen and joiner of London, and that he was born in lawful wedlock, after the admission of his father into the freedom of this city, and that he is his son so reputed and taken to be, and so we all say.

“ THOMAS TOUSE. JAMES JENKS. JNO. HART.
CHARLES WHITE. RICHARD PURNY. JAMES BOUDON.”

On reference to the books of the *company*, of which James Jenks was a member, there will appear *the residence and trade or profession* of such parent; information which sometimes appears in the city corporation registers, and the whole of the evidence afforded by these last named records may, in general, be confirmed by the *company's* books.

There is a small annual payment termed *quarterage*, due from freemen to their respective companies; and, therefore, their time of death can generally be ascertained.

These observations are not confined to the companies and corporation of the City of London; the guilds of every trading town in England afford the same advantages to the genealogist.

From the documents already referred to respecting Edward Jenks, his family would have evidence of 1. When he was born. 2. Where he was born. 3. His legitimacy. 4. His trade or profession. 5. His residence. 6. His hand-writing. 7. The hands-writing (most probably) of his nearest relatives. 8. His death. 9. His father James Jenks' place of birth. 10. The date. 11. His legitimacy. 12. His trade. 13. His residence. 14. His hand-writing. 15. His death. And in like manner, should James Jenks have obtained his freedom by patrimony, the same particulars may be obtained of a third generation; and thus again of more remote ancestors.

The corporation register books of the City of London were unfortunately destroyed by fire in 1786; but the greater part of the files of the original documents were saved. They commence in 1681, are in good preservation, and of easy access, wanting only indexes, a deficiency, in a measure, supplied by the books of the respective city companies.¹

A multitude of petitions from Guilds and Corporations to King William III., upon the subject of the protestant religion, with the signatures of most of the members of such corporate bodies, is preserved at the Tower of London in his Majesty's Record Office.

¹ There are ninety-one Companies in London.

GENEALOGICAL UTILITY.

Few biographers appear to have made so many researches amongst antient records for biographical purposes, as did the late Edmond Malone, Esq. in order to obtain authentic evidence of the family of Shakspeare. The *Corporation Registers* of Stratford supplied much information, and Mr. Malone “carefully examined a very curious and well-preserved” *Guild Register* of the Holy Cross at Stratford, containing an account of all the Masters, Aldermen, Procurators, Brothers, and Sisters of that guild, from the time of King Henry IV. to its dissolution in the time of Edward VI. Mr. Malone states, that in this antient record, the name of Shakspeare does not once occur during the entire reigns of Henry VII. and Henry VIII., though the names of most other families, which were of any consideration at Stratford in the time of Queen Elizabeth, are found there, such as Clopton, Quincy, Combe, Underhill, Lewes, Saller, Smith, Trussel, Jefferies, Reynolds, Gilbert, Parsons, Rogers, Bole, Hunt, Hill, Whatley, Gibbes, Phillips, Roberts; nor did Mr. Malone find the name of Shakspeare in a search which he made in a *rent roll* of the tenants of the lands belonging to the guild in the year 1530, from which and other circumstances Mr. Malone concluded that the family of Shakspeare was not originally of that town. Although in this instance the *Guild Registers* afforded no positive information, yet Mr. Malone’s research has been inserted thus at length, because it is the only published instance known to me, of an *Antient Guild Register* having been referred to by the genealogist.¹

It has been mentioned that a quantity of *Petitions from Guilds and Corporations*, signed by the several members thereof, are preserved at the Tower. These records have been only once examined, during their custody by his Majesty’s present keeper of the records, and then it was for the purpose of drawing up or confirming a pedigree.

¹ Malone’s *Life of Shakspeare*, Edit. 1821. p. 21.

SIGN MANUALS AND SIGNET BILLS.

1 RICHARD II.—1377.

TO

6 GEORGE IV.—1826.

¹ WARRANTS signed by the King, and countersigned by a Secretary of State, or by the Lords of the Treasury, are called *Sign Manuals*.

These warrants, in general, are directed to the Attorney or Solicitor-General, requiring them to “prepare a bill for our royal signature, containing our grant unto,” &c., or otherwise, as the case may require; and when this bill is prepared and signed by the Law officer, the Secretary of State procures the King’s signature to it, and this is called a SIGNET BILL. It is then taken to the Signet Office, where it remains of record; the subsequent proceedings are mentioned under the title PRIVY SEALS.

All warrants respecting the peerage are directed to the Attorney-General; all grants of charters, to the Solicitor-General; and all warrants for miscellaneous grants, to the Attorney *and* Solicitor-General, *or one of them*.

Warrants for grants of ordinary preferments in the church when signed by the king, are directed “to the clerk of the Signet attending to prepare a bill granting,” &c., and the Attorney and Solicitor-General have no concern therein.

The Lords of the Admiralty, the Earl Marshal, and the Lord Chamberlain issue their warrants to the Attorney or Solicitor-General for preparing bills for those grants of offices under their patronage, which pass the great seal; and which, after the Attorney or Solicitor-General has signed them, have the King’s signature procured through the Secretary of State.

In the Secretary of State’s office there is no book of warrants of earlier date than 1674.

¹ Report on Public Records, 1800.

In the Signet Office at Somerset House, are the original records of the seal grants and appointments passing through that office from 1660 to 1826, and sundry manuscript books containing abstracts of former grants from 1584 to 1597, from 1603 to 1605, and from 1645 to 1660; the indexes commence in 1660. In the Tower are Signet Bills from the reign of Richard II. to that of Charles I. In the Rolls Chapel are SIGNED BILL BUNDLES from the reign of Henry VII. to the present time. In the Chapter House, Westminster, are Sign Manuals of the reigns of Henry VII. Henry VIII. Mary and Elizabeth. In the State Paper Office are above 2000 original Sign Manuals for grants of offices, lands, and pardons; many are in the reigns of James I. and Charles I. which have been indexed; and several bundles of them are of the reign of Henry VII. There are also particulars of Sign Manuals and Signet Bills in the reigns of Edward V. and Richard III. Edward VI. and Elizabeth in the British Museum, amongst the Harleian and Royal Manuscripts.

As the grants to which these documents refer should be found inrolled on the Patent, Close, Charter, or Confirmation¹ Rolls, it is rarely necessary to examine either the Sign Manuals or Signet Bills, yet it is to be remembered, they occasionally contain recitals omitted in the patent; and there are some grants which were never inrolled, but remain amongst the bills signed, as that of 31 Henry VIII. to Thomas Lord Audley, Lord Chancellor of England, concerning Simpkin's lands in Kent; and there are others inrolled only in the Exchequer.²

THE CLERK OF THE PATENTS receives certain of the Privy Seal Bills, authorizing letters patent, which letters patent he prepares, and to which he gets the great seal affixed; the bills are afterwards handed over by him to the six clerks in Chancery, who deposit the same at the Rolls Chapel. In the Howard of Walden peerage case in 1784, evidence was given by the then clerk of the patents, that the earliest book in his

¹ THE CONFIRMATION ROLLS commence in 1483, and end in 1615; they are at the Rolls Chapel, and contain confirmations of charters to cities, boroughs, or other bodies corporate or politic, and also to private persons; correct indexes have been made of their contents. All confirmations since 1615, have been inrolled promiscuously with other patents on the Patent Rolls. There is a solitary record preserved in the Tower also necessary to be noticed, called THE IRISH ROLL, commencing 1 Edward I. A.D. 1327, and ceasing about the 12th year of the same reign: it contains similar miscellaneous entries to those found in the Welsh and Scotch Rolls, already described; a transcript is with the Lansdowne MSS. 315.—² Powell's Direction for search of Records, 1622, p. 11.

office commenced in 1691; probably his account was erroneous, as the present deputy clerk of the patents, James Seton, Esquire, has a complete series of official docket books at his office in George-street Adelphi, from 1603, the date (as is presumed from an entry in one of the books so purporting) of the institution of the office. The privy seal bills forwarded to the clerk of the patents relate to grants of land, money, pardons, and offices, and those for denization of foreigners are usually sent to him: but the early entries of such denizations in his docket books are very unsatisfactory, one solitary name often appearing with these words following "*and many others*;" they are, however, entered on the Patent Rolls. The Crown Office claims, and receives all privy seal bills authorizing letters patent for the grant of Dignities.¹ A search in the books of the clerk of the patents and of the Crown Office, is a necessary part of the evidence to prove that letters patent have not been granted.²

¹ From personal information.—² This account of the office of the Clerk of the Patents should have been inserted under the head of "PRIVY SEALS".

SPECIMEN OF A SIGNET BILL, 2 RICHARD III.

¹ *M^d qd xxvij die Januarii anno r' Ric'i s'c'do ista billa lib'at' fuit d'no Cancellar' Angl' apud Westm' exequend'.*

Rex omibz Ballivis & fidelibz suis ad quos &c. Sal'tm Sciatis qd nos de g'ra n'ra s'pali ac ex c'ta sciencia et mero motu n'ris p'donavi^m remisim' & rela^xvim' Thome Brandon quocunq' alio no'e censeat' omimoda p'dicōes murdra rebelliones insurreccōes felonias conspiracōes forisf'curas confederacōes riotas routas conventicula illicita mesprisiones t'nsgressiones offensas negligencias ignorancias contemptus & concelamenta quecunq' p' p'fatum Thomam ante p'sentem diem quali^bcunq' fc'a sive p'petrata. Et insup concessim' & p' p'sentes concedim' eidem Thome qd ipe heat & possideat omnia t'ras ten' redditus rev'siones & s'vicia necnon omnia bona & catalla sua quecunq' que ipe aut aliquis alius seu aliqui alii ad ejus usum nunc heat & possidet aut heat & possident in hujusmodi titulo statu & vigore quibz idem Thomas ante hec tempora melius fuit & possedit si ea nob minime forisfecisset Mandantes omibz et singulis officiariis hoibz subditis & ligeis n'ris quatenus d'cm Thomam p'fatiss p'dona^cōe & concessione n'ris in omibz uti & gaudere p'mittant nec ei ullam molestiam seu g'vamen in p'sona t'ris bonis seu catallis suis sup'dcis inferant quovis modo. Eo qd nos d'cm Thomam in p'teccōem tuicōem defensionē et g'ram n'ras s'pales suscipim' p' p'sentes. In cujus, &c. T. &c.

Fiant cons' l're separales p' p'sonis subscr' sub eadem data, videl't p'

Elizabetha Blount	Georgio Van Riclyn-	Thoma Savage	Joh'e Defwett
u ^x Jacobi Blount	gan	Will'o Tavenrer	Ric'o Dalton
Willo Blount	Will'o Lee	Thoma Stevyns	Rob'to Brym
Adam' Clerik	Joh'e Cracar	Edmundo Wetton	Rado Martyn
Rado Curson	Thoma Pount	Joh'e Lokeley	Henr' Blossum
Ric'o Alibon	Robto Bokeley	Robto Lee	Nich'o Donton
Will'o Rigmayden	Thoma Personys	Nich'o Lee	Rob'to Keyves
Will'o Clogh	Jacobo Chatorton	Joh'e Notte	Ric'o Hyde
Goskyn' Trype	Thoma Bulkeley	Rob'to Smyth	Steph'o Pytte
Stepho Mighell	Hugone Wynstanly	Rado Cottrell	Andrea Muston
Joh'e Weyver	Henr' Mortyn	Jacobo Lokyer	Joh'e Reynald
Petro Ferrer	Rado Bentley	Petro Flewd	Jacobo Chyrbe
Simone Gysbard	Reynad' Denton	Will'o Flewd	Andrea Hawardyne
Ric'o Salford	Ric'o Shottiswall	Thoma John	Han Van Cattith
Petro Oldefeld	Ric'o Fuller, barbour	Joh'e Martyndale	Antonio Fanthoft
Robto Montgomery	Jacobo Elderton	Rob'to Amener	Jacobo Todhynde
Georgio Pole	Joh'e Wyld	Joh'e Sterlyng	Georgio Ogoston
Nicho Monyfold	Joh'e Calverley	Nich'o Downys	Rob'to Admonson.
Will'o Dixon	Henr' Cam	Will'o Wodley	

¹ From the original at the Record Office, Tower of London.

GENEALOGICAL UTILITY.

In the *Signet Bill* of the 13 Charles II. directing letters patent to issue to create a peerage for the Cornwallis family, the pedigree of that family is traced up to the reign of Henry VIII.¹

In the claim of Sir Cecil Bishopp, in 1804, to the Barony of Zouche, evidence having been given of a fruitless search at the Rolls for the patent of creation of the Lordship of Zouche, and the counsel having been informed of the necessity of a search in the several offices for the steps that would have preceded the patent, they did at a subsequent day give evidence of searches at, or of the contents of, the Privy Seal Office, the *Signet Office*,² the *Secretary of State's for a warrant, or Sign Manual*, and the *State Paper Office*, where, it has already been mentioned, some bundles of *Signet Bills of antient date* are preserved.

In the same peerage case, four *antient Signet Bills*, one containing a pardon in the 15th century to the Lords Zouche, were produced from the State Paper Office, and given in evidence before the Lords Committee of Privileges, in support of the claim and pedigree of the petitioner Sir Cecil Bishopp.³

In the claim of Sir John Griffin Griffin to the barony of Howard of Walden, affirmed to be a barony *by Writ*, it was necessary to prove that no letters patent creating such barony were in existence; and evidence was accordingly given of searches at the Rolls for such Letters Patent, and for Licences of Alienation of Land, (to shew by the use of the title of Lord Howard, that the peerage was then in existence) also of searches at the *Signet Office* for Licences of Alienation, at the Secretary of State's Office for a *warrant* for a patent of the creation of this peerage, at the Privy Seal Office, in the Docket Books at the Clerk of the Patents for the Docket of a Patent, and at the Clerk of the Crown in Chancery for an entry of a Patent.⁴

In the Barony of Conyers' case in 1798, a *Warrant or Sign Manual* from King Charles in 1641 to the Attorney-General, directing a Patent of restitution and creation of the barony, was produced as evidence, the Letters Patent not being inrolled, or known to exist.⁵

¹ Dugdale's Baronage, title Cornwallis.—² By statute 27 Henry VIII. c. 11. entitled "For the Clerks of the Signet;" it is enacted, that all the King's grants signed with his Sign Manual to be passed under the Great Seal, be brought to the King's principal Secretary, or to one of the clerks of the Signet, the latter of whom is, within eight days, to make letters of warrant, subscribed with his hand, and sealed with the King's Signet, to the Lord Keeper of the King's Privy Seal, who shall, by warrant within eight days, address from the Signet Office, other letters of like warrants subscribed by him to the Lord Chancellor, for the making of the letters patent or closed required.—³ Zouche printed Minutes.—⁴ Howard of Walden printed Minutes.—⁵ Cruise on Dignities, p. 210. 1823.

REGISTERS OF THE UNIVERSITIES AND PUBLIC SCHOOLS.

5 RICHARD II.—1381.¹

TO

6 GEORGE IV.—1826.

COLLEGE ADMISSION BOOKS	15th & 16th } to 1826
	Centuries }
MATRICULATION BOOKS, CAMBRIDGE	- 1544 1826
—————, OXFORD	- 1564 1826
GRADUATE BOOKS - - - -	- 1500 1826
FOUNDERS' KIN PEDIGREES.	
PUBLIC SCHOOLS' REGISTERS.	

THE records preserved at the two English Universities, capable of affording information to the genealogist concerning the members of such universities are, the ² Admission Books, the Matriculation Books, and the Graduate Books.

THE ADMISSION BOOKS

are lists preserved at the respective colleges, containing entries of the several students attached to them,³ made at or soon after the time of each student's

¹ This date (it may be remarked) is earlier than the date of any record or register above particularized; the authority for using it, is stated in the succeeding pages.—² There are rolls of the names of the several students preserved at each college, called Buttery books at Cambridge, and Buttery or Battle books at Oxford. They contain no more than the students names and dates of their entrance at college.—³ At Cambridge, about the year 1799, and at Oxford in 1810, small octavo volumes were published, called The Cambridge and Oxford University Calendars, containing, in addition to much other information, the names of every member of the University, the college to which he belonged, and his rank therein; these volumes have been thenceforth continued annually.

entrance. In them will be found the christian and surname of the student and of his father, sometimes in the student's hand-writing; the father's station in life, and occasionally his residence; the student's birth-place, the school where, and the master under whom, he was educated; the date of his admission into college, his age, and his rank in the University, as nobleman, gentleman commoner, commoner, or servitor at Oxford; and nobleman, fellow commoner, pensioner, or sizar at Cambridge; and sometimes, as in Magdalene College, Cambridge, his mother's maiden name. In case of a student changing his rank, a new entry is made; and a certificate of baptism is generally, if not invariably required at Oxford, as proof of the age, place of birth, and parentage.

The various Admission Books of the several colleges have no uniform period of commencement, but it is believed the majority of them begin during the 15th century. Among Anthony Wood's manuscripts at Oxford, are lists of the members of many colleges of that university from the dates of the foundations of such colleges, or from other very early periods, gathered out of miscellaneous records, and registers not now in existence. One of them is a catalogue of the Masters, Fellows, and Students of University College, from 1381;¹ though the existing archives of that College contain no registers of Students earlier than from 1509.² It is from this catalogue (the earliest in my knowledge) that the date of this chapter is taken, but the manuscript referred to can only be considered a private document.

Some information as to the antient registers of Cambridge may be obtained from Masters' History of Bene't (now generally called Corpus Christi College), that gentleman representing his work to contain "an alphabetical series of the names, together with the counties, times of admission, and degrees of all the Masters of that College from its foundation (1351), of all the Fellows from the year 1440, and of such of them before that time as could be collected from the archives then remaining, and of all the other³ Students from 1544;⁴ but imperfectly, however, and with little more than their surnames before 1590, when a register began to be regularly kept, from which time it is brought down with more exactness. The dates of the early

¹ No. 8496. Wood has headed it "*ex registro nostro*."—² The College possesses Bursar's Rolls from 1381, but these do not contain the names of the society.—³ Mr. Masters' Catalogue contains in the whole about 3500 names.—⁴ The Matriculation Registers commence in this year.

Fellows, being for the most part such as were accidentally met with in old writings, cannot shew with any certainty the times of their admissions, nor indeed can that of any of the rest be determined with great exactness.”¹

THE MATRICULATION BOOKS.

The registers thus called contain the names and some particulars of the members of the Universities entered upon their taking certain customary oaths. At Oxford every person is matriculated within a day or two at most of the time when he is entered of any college or hall; the statutes fix the latest time at fifteen days after admission. At Cambridge, the oaths may be taken before the expiration of the first term; but some students names, from their caprice or inattention, have not been entered in these registers. The matriculation books of Cambridge commence in 1544, (twenty years prior to those of Oxford,) and have been thenceforth continued to the present day with uninterrupted regularity; they are preserved in the Registry Office.² When a member of the University of Cambridge is to be matriculated, he appears before the Proctors and Registrar at the Senate house, and the entry in the books is made by himself. At Oxford immediately after the entry in the College books, the new member is conducted by one of the Tutors, or Deans, to the private residence of the Vice Chancellor, who writes the student's name and description in the matriculation books, and gives him his matriculation paper upon his taking the customary oaths. The form of entry not only varies at each University, but has been altered at different periods; some entries affording considerably more information than others, and those at Cambridge containing fewer particulars than those at Oxford. Specimens of various entries at both Universities are added in the appendix to this chapter. The matriculation registers at Oxford have this remark, at the beginning.

“*Registrarium—quantum tamen ad ipsas matriculationes ac debitam quorundam Vicecancellariorum suis locis nominationem, præsertim ante tempora*

¹ Preface to Masters' History of Bene't, otherwise Corpus Christi College, Cambridge, 1753. A prior list of the members had been published in 1749.—² They are of paper, folio size, and carefully kept, being in the whole five books: vol. I. commences in 1544 and ends in 1613; vol. II. is from 1613 to 1702; vol. III. is from 1702 to 1759; vol. IV. is from 1759 to 1818; and vol. V. commences in 1818, and is now in use. Duplicates of them are also kept for the inspection of the London collectors of his Majesty's stamp duties.

Vicecancellarii Dⁿⁱ James 1582, valde imperfectum et mutilum." They commence with a list of the members of the several colleges and halls, together with " Dr. Case's ¹ scholars" then on the books of the several societies.

About 1574, and in some few cases as early as 1571, the scribe began to insert the *age of the person* matriculated, *his county*, and *the condition in life of his father*: which plan continued to be acted on till Michaelmas Term 1621, when the registers became much more valuable; and there is little doubt the public are indebted to Archbishop Laud for this, as well as other much more important advantages. To the information already stated, they thenceforth added *the christian name of the father*, and *the place of birth*, of every person entered on the books of the University. This plan was regularly pursued till, in the time of King Charles the First, the University became a prey to a set of puritans, who placed at nought all the wise regulations of their forefathers, and rejected all proper academical discipline. From 1647 to 1660 the registers are little better than the account books of the Bedels, irregularly kept, and extremely defective in information; the name of the student, with the quality of the parent, is in general all to be obtained, though occasionally the old custom seems to have forced itself into notice, and the age and county were added. From 1660 to the present time, the Oxford registers are regular and invaluable, containing the same information that is found in the registers from 1621 to 1647. Formerly the entry was made by the Bedels of divinity and law; but since the time of the late Dr. Hodson, principal of Brazenose, the Vice Chancellor has taken this trouble upon himself. It is stated in the *Fasti Oxonienses*, under the date 1551, that the large " matriculation book noted with the letter P on the dorse, containing all the scholars' names, and their servants then in the University, was made: the former matriculations, whether in books or rolls of parliament, (for such have there been, as is elsewhere remembered) being about these times lost and embezzled." ²

¹ An eminent Tutor.—² Gutch's Edition, 1790, vol. V. p. 91. Much information relative to the members of Oxford scholars, is in Anthony à Wood's *History of the Colleges and Halls*, the last edition of which was edited by John Gutch, M.A. and published in 1786 and 1792. See also the valuable edition of Wood's *Athenæ Oxonienses*, by the Rev. Philip Bliss, D.C.L. published in 1813, and following years.

THE GRADUATE BOOKS

of Oxford and Cambridge contain the names of members who have taken degrees, and commence in or about the year 1500. As they do not comprise the numerous particulars found in the matriculation books, they are not of equal value; but from the circumstance of their earlier commencement by nearly half a century, and from their connexion with the previously described records, they may occasionally afford desirable information.¹

FOUNDERS' KIN PEDIGREES.

The kindred of many founders of, or benefactors to colleges, are entitled to fellowships or other advantages, which render the knowledge and proof of such kindred important. The pedigrees of those persons who have at any time successfully claimed such benefits, are preserved amongst the records of the respective colleges; but as the heads of colleges are not very desirous of publishing the ramifications of their founders' or benefactors' kindred, they rarely allow copies of these documents to be taken.²

COLLEGE CHAPELS REGISTERS.

The registers or obituaries in the chapels appendant to the several colleges, are, perhaps, the most antient in the kingdom; the old *Liber Obitalis* of Queen's College has entries of the reign of Edward III.

¹ Lists of the Cambridge Graduates, containing their christian and surnames, colleges, dates and degrees, from 1659 to 1823, have been published, as have also similar lists of the Oxford Graduates, from 1659 to 1820. — ² The pedigrees of families of kin to Archbishop Chichele, the founder of All Souls, Oxford, and as such entitled to fellowships of that college, were published in quarto in 1765, with a supplement in 1775. Additional MS. collections are in the possession of Francis Townsend, Esq. Rouge Dragon Poursuivant. Manuscript pedigrees of founders' kin are in the Lambeth Library; and extensive collections, shewing the kindred of Wykeham and of Sir Thomas White, (the founders of New College and Saint John's College) are in the possession of Charles George Young, Esq. York Herald. Genealogical information is also contained in Churton's founders of Brazen Nose, Oxford, 1800; and Warton's Life of Sir Thomas Pope, 1780.

PUBLIC SCHOOLS' REGISTERS.

Of the various records preserved at public schools, I can only state, that at most, if not at all, are registers (more or less particular) of the students, their ages, residences, birth-places, and parents.¹

¹ Catalogues of the Eton Scholars from 1443 to 1797, with short biographies, have been printed. A catalogue of the Westminster Scholars from 1561 to 1812, with the ages of the students, and occasional biographical notices, was published in 1788; and annual lists of the Eton and Charter House boys, and probably of the boys at all other public schools, are published. Accounts of Merchant Taylors School, and Christ's Hospital, with memoirs of the principal scholars, have been printed; and particulars of all the endowed Grammar Schools in England and Wales, were published by Nicholas Carlisle, Esq. F.S.A. in 1818, and much information relating to them has since been published by order of the House of Commons in the Report on Public Charities.

SPECIMENS OF ENTRIES IN THE OXFORD MATRICULATION BOOKS.

Coll. Universitat'. 1574, Jan. 10. Gulielmus Langley de com. Surrey gen' fil' nat' an' 14.

Ecclesia Xpi. 1579, Octob. 29. Edmundus Sheffylde Lincol' Baro' de Butterwick annor' 12.

Aedes Christi. 1622, Maii 17. Gualterus Wiflms Glamorg' fil' Johis Wiflms de Cardiff in comitat' pdict' pleb' fil' an' nat' 22.

Coll' Vig'. 18. . . Julii 13. Gulielmus Henricus West — Layton Essex — fil' max' Johannis West — 20 — Arm' fil'.

SPECIMENS OF ENTRIES IN THE CAMBRIDGE MATRICULATION BOOKS.

Censi 20 Maii A. Dⁿⁱ 1544, Vice Cancellario Thoma Smitho Legum Doctore. Mg^{ris} Henrico Cüberforthe et Will'mo Waklyn procuratoribz.

Collegium Regin.		
Census primi Convictus ad duos Solidos.	Cens. 2 ^{ndi} Conv'tus ad duodecim denarios. Jo. Lyne Wi. Lodge	Census quadrantari- orum ad sex denarios.

Censi 26 die Maii 1820, Dignissimo Viro G. Frere Procancell'.

Coram Gulielmo Tatham } Procuratoribus.
 Josepho Jee

<i>Convictus.</i>	¹ <i>Primus.</i>	² <i>Secundus.</i>	³ <i>Tertius.</i>
Coll. Joh.		James Webster Huntley.	
		Lancelot Miles Halton.	
Coll. Pet.	John Falconer Atlee		

¹ Fellow Commoner. — ² Pensioner. — ³ Sizar.

SPECIMENS OF ENTRIES IN THE ADMISSION BOOKS.

Saint John's } In dei noīe amen. Cunctis appareat evident' et sit notum p p'sens pub' In-
Oxford, } strumentum qđ anno Dñi secundum computac'onem eccie Anglicane millesimo
1568. } quingentesimo sexagesimo octavo et regni Dñe nostre Dñe Elisabethe Dei
gra' Anglie ffranc' et Hib'nie regine fidei defensor', &c. decimo mēse Junii die
vero vicesimo octauo in capella Collegij Sancti Johis Baptist' in vniv'sitat' Oxon
notorie sete et situate inq' mei notarij pub^{ci} et testi'm inferius noiatorum p'ntia
psonalit' constitut' venerab' vir Johes Robynson in artibus Mr. n'non p'sides
collegii Sancti Johis Baptist' in univ'sitat. p'dict' quendam Rolandum Russell
sexdecem annoru' ætatis nat' in comitatu Wigorn' diocess' eiusdem prestito
p eum juramēto scholariū admittend' in libro statutorum dicti collegii inserto
in ea parte ædito in scholarem dicti collegii tunc et itm admisit. Sup quibus
o'ibus et singulis tam sup^adictus venerabilis vir Mr. Johes Robynson p'sens
antedictus q' p'fatus Rolandus Russell scholaris me notarium publ' subscript'
ei unum vel plura instrumētum sive instrumenta inde co'ficere ac testes sub-
scriptos testimonium inde p'hibere instanter rogauit. Acta fuerūt hec oīa et
singula prout sup^a scribuntur et recitantur sub anno Dñi et regni Regine
mense die ac loco p'dict' p'ntibus tunc ibidem Roberto Bellamy Henrico
Russell Will'mo Collsell in artibus magistris, Thoma Merest Gwiffo Wigge
Henrico Shawe Thoma Jenckes Robto Hartt Joha'ne Read in artibus bacc' et
sociis eiusdem collegii testibus ad p'missa vocatis et specialiter requisitis.

H. C.

Saint John's } After the Admission of Fellows, it proceeds: " And on the same day and
Oxford, } year, and between the hours aforesaid, in the chapel aforesaid, in the presence
1826. } of all and every the witnesses and notary public aforesaid, one (A. B.) aged
(as he did assert¹) 18 years, born at — in the county of — and diocese
of —, he having first taken the oaths prescribed by the statutes of the said
college to be taken by all such as are to be admitted scholars of the said col-
lege, as and for a scholar of and in the said college on three years of probation,
did then and there solemnly admit."

Sidney } " Carolus Plucknett, filius Gulielmi Plucknett, Pharmacopolæ, natus apud
College, } Wincanton, in Comitatu Somersetensi, postquam literis grammaticis apud Bru-
Cambridge. } ton sex annos sub Magistro Goldsworth incubisset, admissus est Sizator un-
1727. } decimo die Aprilis, A. D. 1727, anno ætatis decimo octavo, Fide jubente Rev.
viro Johanne Taylor, A.M.

Magdalene } Johannes S. filius Ricardi S. armigeri de — in comitatu — et
College, } Annæ N.² uxoris ejus, apud publicam scholam de — institutus, annos natus
Cambridge, } —, admissus est Socius commensalis.

A. B. }
C. D. } Tutoribus.

¹ Certificates of Baptism are always required.—² I am not aware that any other Col-
lege inserts the maiden name of the mother.

THE HERALDS' RECORDS.¹

1 RICHARD III.—1483.

TO

6 GEORGE IV. — 1826.

VISITATIONS	- - - - -	1528 to 1704
THE PARTITION BOOKS	- - - - -	1528 1826
FUNERAL CERTIFICATES	- - - - -	1567 1717
MISCELLANEOUS GENEALOGICAL	} - - - - -	15th & 16th } 1826
COLLECTIONS		
EARL MARSHAL'S BOOKS	- - - - -	1601 1826
FOUNDERS' KIN PEDIGREES	- - - - -	1620 1826
THE BENEFACTORS' PEDIGREES	- - - - -	anno 1666
MODERN PEDIGREES	- - - - -	1689 1826
PEERS PEDIGREES	- - - - -	1767 1802
BARONETS PATENTS AND PEDIGREES	- - - - -	1783 1826

THE College of Arms, or, as it is frequently called, the Heralds College, was incorporated by letters patent as early as the first year of the reign of Richard III. 1483, by the designation of the Kings Heralds and Pursuivants of Arms, with power to use a common seal when required in the exercise of their faculty; and by a second charter in the second year of the reign of King Philip and Queen Mary, was again incorporated, when, for the better custody of the records and inrolments of their faculty, a building destroyed in the great fire of London upon the scite of the present one, was granted to them.

¹ For a History of the College of Arms, see Dallaway's *Enquiries into the Origin and Progress of the Science of Heraldry*, 1793, 4to.; Noble's *College of Arms*, 1805, 4to.; and for an account (though very imperfect) of their records, see the *Report on the Public Records*, 1800, p. 82; and *Catalogus MSS. Anglie et Hibernie*, 1697.

Independently of the direction these officers had of public ceremonials at home, in the justs, tilts, and tournaments of the ages of chivalry, and their employment in embassies abroad, they were from an early period the guardians of the genealogies of the nobility ; and it is in reference to the genealogical store of their office that the present section relates.

VISITATIONS, 1528 to 1704.

Amongst the most important of the Heralds' records, are those called the Visitations. They have been stated¹ to commence as early as the reign of Henry IV. from the asserted existence of a MS. in the Harleian collection, entitled "*Visitacio facta per Marischallum de Norroy ult. ann. R. Henrici 4ti. 1412,*" a period of seventy years before the incorporation of that body. It is clear, however, on referring to the manuscript in the Harleian collection (from which these words are selected) that an examination would have shewn the incorrectness of calling it a visitation in 1412. The MS. is a folio, consisting of loose pedigrees and miscellaneous heraldical scraps, some written as late as 1620 and 1627, pasted on the leaves of a printed book ; the contents whereof are very fully detailed in the catalogue, (1808) vol. I. p. 592, No. 1196.²

¹ Dallaway's *Heraldic Enquiries*, 1793, p. 163.—Noble's *College of Arms*, Appendix, p. xx.

² Art. 2. is a Pedigree of Salvin, dated 1585.

Art. 4. p. 4 and 5^b, is a Pedigree of Moyser, dated 1584.

Art. 11. p. 11 and 12^b, is a Pedigree of Savage, dated 1627.

Art. 31. p. 30, Descent and Arms of Southeby, 1584.

Art. 47. p. 44, Pedigree of Mottershed in Com. Cest. dated 1598.

Art. 51. p. 48, Descent of Charlton, by Mr. Robert Glover, Somerset Herald.

Art. 80. p. 75 and 76^b, Descent of Alsopp.

On the folio upon which this Pedigree (brought down to 1596) is written, amongst several others, are the following memorandums, viz. :

"*Visitatio facta p' me Benet James Principalem Regem Armor' in an' dom' 1334 anno regni Regis Edw. III.*"

Under this is pasted the signature of "Robert Cooke, Clarenceux," so appointed 1566, and who died 1592.

Lower down, the following.

"*Visitacio fact' p'r Maricallu' de Norroy ultimo anno Henrici 4ti. 1412.*"

This last memorandum is the one which has been selected, as affording authority for the assertion, that Visitations commenced in the reign of Henry IV., and the statement that a MS. so "intituled" existed in the Harleian collection, has sanctioned the repetition of the assertion, which

The first commission proceeding from royal authority was issued to Thomas Benolte, Clarenceux King of Arms, in the 20th of Henry VIII. 1528-9, by warrant under the privy seal, empowering him to visit the counties of Gloucester, Worcester, Oxford, Wilts, Berks, and Stafford, to peruse and take knowledge, survey, and view of all manner of arms, cognizances, crests, and other like devices, with the notes of the descents, pedigrees, and marriages of all the nobility and gentry therein; and also to reprove, controul, and make infamous by proclamation, all such as unlawfully and without just authority, usurped or took any name or title of honour or dignity.

Commissions to the provincial Kings of Arms continued to be granted at intervals of about twenty-five or thirty years from that period until the 2nd year of King James II. (1686), when the last was issued to Sir Henry St. George, then Clarenceux; the returns under which commission do not appear to have been perfected till 1703-4, as entries of that date appear in the Visitation of London.¹ With this survey the Visitations ceased, and with them much of the power of the Curia Militaris, or Earl Marshal's court.

It is not pertinent to this work to enquire into the causes of their discontinuance, however much it is to be regretted that such valuable sources of information were thereby removed. Curious and interesting accounts of these surveys are to be found in various works,² which may be amusing, wherein the cordial reception and liberal treatment of the officers in some cases, afford a singular contrast to the rudeness and indignities to which they were exposed in others: the parties, in either case, actuated probably by the importance or indifference which they attached to the distinctions of coat armour, and the pride of ancestry.

The commissions for these surveys granted to the Kings of Arms, gave them power to appoint deputies, and in very many instances the

has been taken for granted, without any examination of the book in question, which in fact bears no such *title*.

Art. 188. p. 189, is a Pedigree of Monke, dated A. D. 1620.

Art. 198. (the last in the book) p. 203, shews the Descendants of Thomas Cecill, Earl of Exeter: the grant of which Earldom to the Cecill family did not take place till 1605, a fact in itself sufficient to shew the error of referring to this MS. as a Visitation of the North in 1412, which might with equal propriety, in reference to the first memorandum above the signature of Clarenceux Cooke, be called a Visitation of 1334.

¹ K. 9. in Coll. Arm.—² Lives of Dugdale and King, London 1793.—Dallaway's Heraldic Enquiries, Sec. III. *Harper's Life of Sir William Dugdale*, 4to. 1827.

visitations were made by the heralds they delegated in their names. The nobility and gentry were summoned in each county, (under warrants¹ addressed to the Bailiffs of the Hundred,) to give an account of their family, and produce their title to the arms and crests they used. The entries then made of the pedigrees and arms of the parties appearing, were, on the survey being completed, termed the Visitation.

In many cases it happened, that persons who had usurped arms without authority, entered their names as thenceforth disclaiming all right thereto; and others procured a respite, and obtained time to produce evidence of their titles in the Earl Marshal's court upon a subsequent occasion.

The Visitations made under the early commissions are in many instances in narrative, and (as may be easily supposed in their commencement) meagre in detail; sometimes containing little more than notes of arms of the gentry, and the founders and priors of monasteries, and seldom exhibiting more than the lineal descending line of the family: subsequently they assume a more important form, affording full and accurate statements of pedigrees, and supplying collateral as well as lineal descents, when extracts from family evidences, and drawings of seals are not unfrequently to be found annexed to the pedigrees. Accounts of the incorporation of the various cities, towns, and boroughs, with their arms and common seals, are included in these valuable sources of evidence.

The various entries are in most cases attested by the signature of the heads of the families, and occasionally by persons on their behalf.

The originals of these Visitations (with few exceptions) are in the College of Arms. Various transcripts however exist, and in the British Museum will be found numerous copies; more particularly in the Harleian collection, where also a few of the original visitations undoubtedly are.² By what means they originally passed from their proper repository, it is impossible to state with any accuracy; but there is no doubt that the officers

¹ Copies are printed in Dallaway's and Noble's works.—² The original Visitations of Cornwall, 1620, and Wilts, Somerset, and Dorset, 1623, are in the British Museum, and transcripts exist in the College of Arms. The original Visitation of Lancashire, 1533, is erroneously stated by Mr. Moule in his *Bibliotheca Heraldica*, p. 582, to be in the British Museum. The original Visitation was in the Pierrepont Library at Thoresby, from which Sir William Dugdale made, with his own hand, the copy which exists in the College of Arms. The original was destroyed in the lamentable fire at Thoresby, about the year 1745. The copy in the Harleian collection, 2076, is a transcript.

of arms, in whose custody they were, instead of returning them to the office, occasionally left them to the custody of their families, who disposed of them.

The Lansdowne collections in the British Museum contain many transcripts of visitations; in that great national library are also to be found innumerable genealogical collections, as a reference to the catalogues will fully evidence. The Ashmolean collection, and library of Queen's College in Oxford, Caius College, Cambridge, as well as many private¹ collections, are enriched with similar genealogical manuscripts.²

THE PARTITION BOOKS,

1528 to 1826.

These volumes are so called from their containing entries of the division of all fees accruing to the officers of arms, upon their different public attendances, at coronations, and funerals; also of their fees on the creations of Peers, Baronets, Knights, and the consecrations of Bishops.

Their utility is in affording the names of persons created, and the dates of their patent, and generally the limitations of the dignity: for many years past, they contain, in fact, docquets of the respective patents, as also entries of the elections and translations of Archbishops and Bishops. The date of the earliest entry is 19 Henry VIII., 1528; they are continued to the present period.

FUNERAL CERTIFICATES,

1567 to 1717.

These contain attested accounts of the time of death, place of burial, and of the marriages, issue, and frequently the collateral branches of the several persons whose funerals were attended by the officers at arms, or their deputies, illustrated with the armorial bearings of the deceased. The entries in the funeral certificates are so full and authentic, that they are of great value

¹ Stowe, Enmore, Middle Hill. — ² Catalogues of the Visitations will be found in Dallaway's *Heraldry*; Gutch's *Collectanea Curiosa*; Moule's *Bibliotheca Heraldica*; and Nicolas' *Catalogue of Heraldic Visitations*, 1824. This last contains the most accurate information. The *Durham Visitations for 1575 and 1614*, and the *Middlesex Visitation for 1663*, have been printed.

to those families whose ancestors are recorded in them. They were taken by virtue of an order of the Earl Marshal issued in the 10 of Elizabeth 1567, wherein it was enjoined, that every King of Arms, Herald, or Pursuivant, who should serve at any funeral, should bring into the library or office of Arms, a true and certain certificate under the hands of executors and mourners or mourner present at the funeral; and it has been stated,¹ that the want of such signatures to any antient funeral certificate renders it inadmissible as evidence.² When heraldic influence began to decline in consequence of the Revolution of 1688, these funeral entries were also neglected, though the certificates of some are recorded as late as 1710, 1713, 1717. There is one for S. M. Leake, Esq. Garter King at Arms in 1735, and another for Evelyn, Duke of Kingston in 1773. Those of Nelson, and Pitt, have not yet been entered.

MISCELLANEOUS GENEALOGICAL COLLECTIONS, 15th & 16th Centuries to 1826.

Independently of the Visitations, the library of the College of Arms contains very valuable collections, relating to the families of the nobility and gentry. The labours of Augustine Vincent alone present upwards of two hundred volumes of rich materials; consisting of abstracts of charters, deeds, family settlements, the inquisitions post mortem in the Tower, &c. baronial and miscellaneous descents of antient families; transcripts of visitations, with considerable additions. Although these pedigrees, in many cases, shew descents from the period of the Norman invasion, yet, as the manuscripts appear to have been in general written during the 16th and 17th century, it has been preferred dating them from that period. It may be relevant to the subject to observe, that here also will be found the patents of grants and exemplifications of arms of all the families of England, as well as various entries of ceremonials observed at royal marriages, coronations, funerals, proclamations, &c. Lists of knights from very early

¹ Banbury Peerage Case.—² A book of funerals for Chester, Lancaster, Salop, North Wales, commencing 1600, is in the Lansdowne MSS. 879.

periods, and the *only* authentic records of them from the commencement of the reign of James I. to the present time. Accounts of tournaments,¹ with the celebrated tournament roll of Henry VIII., already noticed;² and a multitude of other manuscript volumes, containing copies of deeds, charters, and records, drawings of seals, coats of arms, painted glass windows, monuments with their inscriptions, and other information applicable to genealogical and antiquarian researches, comprehending the accumulated labours of Glover, Camden, Philipot, Dugdale, Le Neve, and other distinguished and skilful members of the college.

THE EARL MARSHAL'S BOOKS, 1601 to 1826.

They contain entries of orders made by the Earl Marshal, and the record, by virtue of the Earl Marshal's warrant, of all royal licences for the change of surnames and assumptions of arms: warrants of precedence; grants of augmentation from the king for services performed; grants and patents of foreign honours; and the royal licences for the acceptance of foreign orders. The first entry is in 1601, 43 Elizabeth. Previously to this period, the Earl Marshal's orders, &c. were frequently entered in the Chapter Minutes, Partition Books, &c. In the early times, that system of arrangement which subsequently prevailed, did not exist.

FOUNDERS' KIN PEDIGREES, 1620 to 1826.

These volumes consist of pedigrees passed under the common seal, certifying the descents of individuals from certain founders of colleges, or fellowships in colleges in the different Universities, who have by their wills, settlements, or statutes for the regulation of their benefactions, directed a preference to be given to their own kindred: as in the cases of Bishop

¹ "The antient tournament records are of all others reckoned the most unquestionable proofs of an illustrious nobility."—Von Lowhen's Analysis.—² Ante, p. 10.

Wykeham, at New College ; Sir Thomas White, at St. John's ; and Archbishop Chicheley, at All Souls, in the University of Oxford, and Bishop Dee, at Cambridge.

These volumes also contain the descents of persons from the blood royal of England, who, by virtue of such descent, have taken or were entitled to honorary degrees at Cambridge. They do not commence before 1620, 18 James I. ; the practice of proving descents for the satisfaction of heads of colleges in the early years after these foundations was not by the evidence at present required, because the relationship was then matter of notoriety, or vouched for by living parties ; and the custom of recording notices of descents commenced only with the Visitations.

BENEFACTORS' PEDIGREES, 1666.

The volumes marked "Benefactors" contain entries of the pedigrees of those noblemen and gentlemen who were contributors to the rebuilding of the present college, after the former one fell a sacrifice in the general conflagration of 1666.

They were taken under power given by the royal commission of King Charles II. Their value has been proved by their production as herein-after noticed, in establishing a claim to the honours of the peerage.

MODERN PEDIGREES, 1689 to 1826.

Various miscellaneous volumes are so entitled, and contain the fair record of pedigrees of families proved in continuation of former entries in the Visitations, and of such others, though not before entered, as produce proofs in support of their descents. These records commenced about 1689, 1 William and Mary. Some few pedigrees were entered during the periods in which the Visitations were in operation, under the Earl Marshal's orders, or those of the Chapter ; sometimes in cases where the parties had been absent from their counties, when the Heralds were making their surveys.

PEERS' PEDIGREES,
1767 to 1802.

By a standing order of the House of Lords, made on the 11th May 1767, it was ordered "that Garter King at Arms do officially attend this house, upon the day and at the time of the first admission of every peer, whether by creation or descent; and that he do then and there deliver in at the table, a pedigree of the family of such peer, fairly described on vellum; which pedigree shall include the father and mother, the brothers and sisters, their issue, the wife or wives of such peer, the children of such peer, and their issue according to seniority down to the day on which such pedigree shall be so delivered in, together with the marriages, births, baptisms, deaths and burials, names, surnames, ages, titles, qualities, offices, and employments (if any), places of abode, and description of every person inserted in such pedigrees, so far as the said Garter and the officers of the said College of Arms may have been able to obtain the knowledge thereof: and in the case where such peer shall not succeed in the honour to his father or mother, but to his grandfather, grandmother, uncle and aunt, together with their descendants, in like form and manner, and down to the same period as aforesaid: and such pedigree so delivered in, shall be then referred to the committee of privileges, who shall examine and report the same as it shall appear to them verified with the proofs; which report being agreed to by the house, such pedigrees, signed and certified by every such peer to be true to the best of his knowledge, information, or belief, upon his honour, shall be filed by the clerk, and kept (together with the proofs) amongst the records of the house, and an authentic copy thereof registered in the Office of Arms. Provided, nevertheless, that nothing herein contained shall be construed to bar the claim or prejudice the rights of any person who may be found at any time aggrieved by any omission of entry, or by any defect or error which may be proved by legal evidence to have happened in the construction of such pedigree." And it was also ordered, "that every peer and every peeress in her own right be at liberty to make proof of his or her pedigree, before the committee of privileges, and obtain the like entry thereof." These pedigrees were duly taken, and, after having been proved at the bar of the House

of Lords, were beautifully recorded and illuminated with the armorial bearings by the heralds, until the year 1802, when the late Lord Thurlow procured the rescinding of this useful order, with the intention of proposing a new one, which was never accomplished : the last entry which appears in these noble registers, is a blazon of the arms of Lord Redesdale, who was created a peer in 1802. In the pages intended for the genealogies of Lord Thurlow and some few other Noblemen, no entries but that of their respective coats of arms have been made. This discontinuance of the pedigrees of the peers is much to be regretted, for there is now no record of the families of the English nobles but in the fleeting peerages and publications of the day, except in the few instances where some Peers, impressed with a due sense of the importance of preserving their family descents, have recorded their pedigrees, in which cases they are entered in books appropriated to the "Peers."

BARONETS' PATENTS, AND PEDIGREES.

1783 to 1826.

Since December 1783, all the patents of Baronets have, under the direction of a royal warrant, been transmitted from the Crown Office to the Register of the College of Arms, to be recorded in books kept for that purpose, before delivery to the grantees : and the pedigrees of the Baronets are by the same warrant ordered to be recorded before the passing of the patent, an order which, though in many cases observed, has in many been neglected.

¹ EXTRACT FROM AN ENTRY IN A VISITATION, 1530.

“Visitacon of the North by Norrey A° 1530.

“Be it notyd y^t Norey Kynge of Armys of the Northe Conterey began his visitacion at Ser Bryan Stapilton's Knyght of Nottying shire, the vij day of August, the yer of o^r Lord God m iiii xxx.

“The Pedegree of S^r Bryan Stapilton.

“Ser Bryan Stapilton Knyght maryd Esabell dough^t and on of heyyrs of Ser Thomas Peniston knyght, and by her he had yssue Ser Bryan Stapilton and Thomas Stapilton of Gnemreby. And the said S^r Bryan the secōd maryd the dough^t and on of the heys of John Lord Lovell, and syst^r to ffrançs Lord Lovell, and by her he had yssue S^r Bryan Stapilton Knyghte, and George Stapilton Esquire, and Jane Lady Perpont. And the said S^r Bryan Stapilton the iij^d maryd Elizabeth dough^t of Henry Lord Scrope, and by her had yssue Rechard Stapilton Esquier, wyche Rechard maryd Thomasyne daughter of Robert Amadus Esquier. And the said S^r Bryan Stapilton the therd maryd to his second wyffe Jane, dough^t of Thomas Basset of Northe Lovenam, and by the said Jane he had yssue Bryan.”

COPIES OF FUNERAL CERTIFICATES.

FOULKE GREVILL, Lord BROOKE, 1628.²

“The Right Honourable Sir Foulke Grevill, Knight of the Bath, created by our late soveraigne lorde Kinge James Lord Brooke of Beauchamp's Court, in the countye of Warwick. Being discended of an heire generall of the auntient baronye of Willoughby Lord Brooke, he was some tyme servant in an honourable place to our late soveraigne lady Queene Elizabeth, after whose death he was first made Chauncellour of the Exchequer and Privye Counciller to our dread soveraigne lorde Kinge James, and one of the gentlemen of his majesty's bed-chamber: he was at the tyme of his death councillor of estate to our most dread soveraigne lord King Charles that now is, and having attayned to the age of seventy-four yeres, departed this mortall life at Brooke-house in Holborne upon Tuisday the xxxth of September 1628, whose body was moste honourably conveyed

¹ This is the first entry in one of the earliest visitation books in the College. In the corner is a shield of Sir Bryan's arms, with 15 quarterings, impaling his wife's arms and quarterings, admirably drawn and coloured. From the original Visitation in the College of Arms, p. 23. —² I. 8, p. 17, in Coll. Arms, where the arms and supporters are depicted at the top of the entry.

from thence to his castle at Warwick, where his funerall was moste nobly solempnized, according to his estate; upon Munday the 27th of October following. He dyed a batchelor; his heire to the baronye was Robert Grevill Lorde Brooke, his uncle's grandchild, upon whom the said baronye was estated, who was principal mourner at the said funeral, being then of the age of xxi years, and not maried. The executors of his last will and testament were the Right Honourable Sir John Coke, Knight, principall secretarye of state, Sir Francis Swift, Knight, Mr. Michael Mallett, and Mr. William Vyner. The officers of armes that ordered and directed the said funeral, was Sir William Segar, Knight, Garter King of Arms, Sir Henry St. George, Knight, Richmond Herauld, and Henry Chittinge, Chester Herauld, by whom this certificate was taken, and verified for truth by the subscription of

JO: COKE. MICH: MALLETT.
FRA: SWIFT. WM: VYNER."

ACCEPTED FREWEN, Arch Bishop of York, 1664.¹

"The most Reverend Father in God Accepted, Lord Arch Bishop of York, primate of England, Metropolitan, departed this mortall life at his house at Bishop's Thorpe neare Yorke (newly repayred at his great charge) on Monday the 28th of March 1664, in the lxxvjth yeare of his age. He was made chaplain in ordinary to his sacred Majesty King Charles I. in the yeare 1625, and the yeare following was chosen president of Magdalen College in Oxford, whereof he was both pupill and fellow; and whilst he performed that charge with singular prudence, he was made deane of Glocester, and fower times vice-chancellor of that famous university; and in the yeare 1644 he was consecrated bishop of Coventry and Litchfield; but the fury of the late times prevented him in the administration thereof, and retired him to a very strict solitude, till upon his majesty's most happy returne to his government, he was translated to the see of York on the iiijth of November 1660. After his death his corps was privately removed to York, and there for divers dayes deposited in that decent state that was suteable to the dignity of so greate a prelate; and on Tuesday the 3d of May was with all solemnity interred under the greate east window of the cathedral church of St. Peter: the chiefe mourner was Mr. Stephen Ffrewen the sole executor and onely-surviving brother of the defunct. The officers of arms that directed this funeral, were William Ryley, Lancaster Herald, for Sir Edward Walker, Garter, Henry Saint George, Richmond, (who carried the miter) for John Wingfield, York, Robert Challoner, Bluemantle, who carried the Crozier and Pastorall Staffe, Henry Dethicke, Rouge Croix, and Ffrancis Sandford, Rouge Dragon. This certificate was taken by Henry St. George, Richmond, and attested to be true by the subscription of Mr. Stephen Ffrewen."

¹ I. 31, p. 7, in Coll. Arms. The arms depicted impaled with the See of York.

GENEALOGICAL UTILITY.

Original Visitations are allowed by the courts of justice to be good evidence of pedigrees, as are also the Heralds' antient rolls and antient books in general ; but their extracts of pedigrees taken out of records, are not allowed as evidence,¹ because such extracts are not the best evidence of the nature of the thing, as the records themselves, or authenticated copies, might be had :² and in the De L'Isle claim of peerage in 1826,³ the counsel were informed that the House of Lords had made a distinction in receiving as evidence books from the Heralds College, that where those books contained the substance of information obtained in consequence of enquiries which were made under judicial authority, when the heralds were in the habit of travelling round the country and examining witnesses, they were held to be evidence, and had been produced in committees of privileges ; but that when such ceased, and the books were mere entries of that which parties had chosen to have entered in those registers without any due authority being shewn for the entry, they had not been received as evidence.⁴

In the Roos claim of peerage in 1804, there was produced in proof of part of the claimant's pedigree, the original patent roll of 9 Charles I. containing the King's commission for a Visitation, and *the original Visitation book* of the county of Lincoln, containing the Visitation of Lincolnshire in 1634, made in pursuance of the said commission, wherein was contained the pedigree of the Earl of Exeter, signed by " Robert Gibbons for my master David Cecill."

The utility of the *Visitations* in cases of election petitions, where the question turns upon the right of voting being in resident or non-resident freemen, should also be noticed, though not directly connected with the subject of these pages. The point arose in the Portsmouth election case, in the year 1820. On the one side it was contended, that the individuals whose names were inrolled in the books of the corporation, were *resident* in the town ; whilst on the other side it was proved by the Visitation of Hampshire, that some of the individuals who had voted 'as burgesses, were at the very time resident in distant parts of the country, where they entered and attested their pedigrees on the Visitation of the Heralds.

In the Roos claim of peerage, a book of the Heralds called *the Benefactors Book*, containing the pedigrees of those who contributed to rebuild the College of Arms after the

¹ In the Kilmorey Peerage Case in 1812, Vincent's copy of the Visitation of Salop, enlarged by putting in what he found in former Visitations and other heraldical papers, was refused as evidence, Vide Minutes, p. 8.—² Cruise on Dignities.—³ Minutes of the De L'Isle Peerage, 1826.—⁴ In the Kilmorey Peerage in 1812, a pedigree entered in the books of the College of Arms marked 3 D 14, and signed by Lord Kilmorey in 1751, was received as evidence.

fire of London, was produced, and the then Earl of Carlisle's pedigree, which had been entered therein as one of the benefactors, and signed by himself, was received in evidence; the Patent Roll, containing the commission of Charles II. authorizing the collection and the compilation of such book of benefactors, having been previously produced.¹

In the Howard of Walden Peerage case in 1784, an antient *book of funeral certificates*, believed to be an original, as in one of the pages it was signed by the Earl of Suffolk, was produced and received in evidence to prove the death of the first Earl of Suffolk in 1627.²

In the Roos claim of peerage in 1804, counsel stated, they would prove a further part of the pedigree by the *Heralds funeral certificate* of Philip, Earl of Pembroke, taken in the year 1649, and having first produced the original deed under the hand and seal of the Duke of Norfolk, Earl Marshal in 1568, establishing certain orders for the regulation of the Office of Arms, under which such certificates were taken, a book intituled "*Funeral Certificates of the Nobility*" was produced and objected to by counsel, as not being the original certificates, although it had been produced before the house on the Banbury case, the Clinton case, the Beaumont case, and the Howard de Walden case; the receiving it as evidence was accordingly postponed until a volume of funeral certificates, and such original certificates as remained in the Heralds' office were produced.³ And at a subsequent day, counsel having produced *a partition book of the Heralds*, containing an account of the partition of all the fees divided between the Heralds on occasion (inter alia) of funerals, and wherein was entered the partition of fees on the funeral certificates proposed to be produced, and having produced such originals of funeral certificates as remained in the Heralds' office, and shewn that they were correctly registered in the book offered in evidence, the counsel were informed that upon the facts proved, the book intituled "*Funeral Certificates of the Nobility*" might be read for the purpose for which it was offered in evidence, Mr. Attorney General not objecting thereto.⁴

In the claim of Sir George Jerningham, Bart. to the Barony of Stafford, part of the petitioner's evidence in support of his claim and pedigree, was *a register* from the College of Arms, containing *entries of Grants of Coats of Arms and Supporters*, containing a petitionary letter, dated April, 1720, from William Stafford to the Earl of Berkshire, Deputy Earl Marshal, desiring to have assigned to him such supporters as his grandfather William, the last Viscount Stafford, used, and that the arms of Woodstock and Stafford might be quartered with his paternal arms; also the register of the Deputy Earl Marshal's warrant ordering such supporters and arms, and of the grant in consequence of such warrant.⁵

¹ Minutes of Evidence, p. 187.—² Minutes of Evidence, p. 16.—³ Minutes of Evidence, p. 186.—⁴ Minutes of Evidence, p. 339.—⁵ Printed Minutes of Evidence, 1812, p. 106.

ENTRIES IN BIBLES AND OTHER BOOKS, FAMILY LETTERS AND MANUSCRIPTS.

25 HENRY VIII.—1533.

TO

6 GEORGE IV.—1826.

No description can be necessary of documents familiar to every one ; and as the entries in family bibles, prayer or other books, when made by the parent, head of a family, or other competent person, of births, marriages, deaths and circumstances happening within his own knowledge, is good evidence of such transactions, it is surprising that so little regard should be paid to the regular entries of events of so much importance. It is not to be presumed many families are in possession of documents relating to their ancestors, of the remote period at which this chapter takes its date ; the general ignorance of the age did not allow of such manuscripts being common ; and, perhaps a period of two centuries back would be much more generally applicable than the date given (1534) : unimportant, however, as is the date used, it has been selected from the circumstance of a manuscript of the Cavendish family, containing entries of their births, deaths, and marriages, commencing in that year, a part of which has been (from its curiosity) given as a specimen. No search can be too earnest to discover the family bible, and family manuscripts, for innumerable are the individuals in England not registered in the parochial books of baptisms : some parents are Roman Catholics or Sectarians, some are too poor, some too careless, whilst others erroneously think all accomplished by a half baptism, and unless the bibles or private manuscripts of such parties contain entries of their families, there may, perhaps, not be a single proof in existence, by which their descents can be traced : such also has been the neglect which many of our parish registers have suffered from political troubles during the time of Charles I., and from

individual negligence since, that the utility of a family register is often greater than there ought to be occasion for. Letters, and the innumerable miscellaneous manuscripts and documents which are frequently treasured up in families, afford very valuable assistance to pedigrees, and have been used and received as evidence in support of such at all periods.

¹ Prior to the reign of Henry V. specimens of English correspondence are rare, letters previously to that time were usually written in French or in Latin, and were the productions chiefly of the great or the learned. The letters of learned men were verbose treatises, mostly on express subjects; those of the great who employed scribes, from their formality, resembled legal instruments. We have nothing earlier than the 15th century, which can be termed a *familiar letter*. The material too upon which letters were written up to the same period, was usually vellum; very few instances, indeed, occurring of more antient date, of letters written upon paper.

¹ Ellis's Original Letters.

SPECIMEN OF PART OF A FAMILY MANUSCRIPT OF
THE CAVENDISHES, 1533—1547.

“ Elizabeth, my first childe, was borne one Wensdaie, betweene three and four of the clock in the mornynge, viz. the seventh daie of January, in the twenty-fifth yeare of the raigne of kinge Henry VIII. the domynicall letter then D. 2. Katheryne, my second childe, was borne on Sunday, betweene three and four of the clock in the mornynge, viz. the last day of January, in the twenty-sixth yeare of the raigne of our said soveraigne lord the king, the domynicall letter then C. 3. John, my third childe, was borne on Sundaie, betweene five and six of the clock in the mornynge, viz. the first daie of October, in the twenty-eighth yeare of our foresaide soveraigne lord's reigne, the domynicall letter then A. 4. Mary, my fourth childe, was borne on Thursdaie, between five and six of the clock in the afternoone, viz. the sixth daie of June, in the thirtieth yeare of our said soveraigne lord's raigne, the domynicall letter then F. 5. Ann, my fifte childe, was borne on Munday, betweene twelve and one of the clock at midnight, viz. the fifth daie of April, in the thirty-first yeare of our said soveraigne lord's raigne, the domynicall letter C.

“ Memorandum, that Margaret, my wiffe, departed this present life, Wensdaie, beinge the ninth daie of the month of June, the domynicall letter D. anno the thirty-second of king Henry VIII. betweene seven and eight of the clock in the mornynge, on whose soul Jesu have mercy.

“ Memorandum, that I was married unto Elizabeth, my second wiffe, at the Black-Fryers, in London, the morrowe after All-Soule's daie, then beinge Thursdaie, viz. the third daie of November, anno the thirty-fourth of king Henry VIII. the domynicall letter then D.

“ 6. Susan, my sixt childe, which I had by Elizabeth, my second wiffe, was borne on Wensdaie, betweene two and twelve of the clock at midnight, viz. the last daie of October, anno the thirty-fifth of king Henry VIII. beinge All-Hollowed-even, the domynicall letter then E. She had to her godfather, at the fonte, my uncle Coningsbie; mrs. Denny, and mrs. Sternhold to her godmothers; and, at the Bishoppinge, she had to her godmother. 7. Johan, my seventh childe, which I had by the said Elizabeth, my wiffe, was borne on Frydaye, betweene ten and eleven of the clock at night, viz. the sixth daie of February, anno the thirty-sixth of king Henry VIII. the domynicall letter D. 8. Another childe I had by the same woman, with the which she dyed, being a woman child, and my eighth childe.

“ Memorandum, that I was marryed to Elizabeth Hardwick, my third wiffe, in Lecestersheere, at Brodgatt, my lord marquesse's house, the twentieth of August, in the first yeare of kinge Edward VI. at two of the clock after midnight, the domynicall letter B.”¹

¹ Guthrie's Peerage, London, 1763, p. 304.

GENEALOGICAL UTILITY.

In the unsuccessful claim of the Rev. Edward Tymewell Brydges to the Barony of Chandos, in 1790, mutilated letters were produced before a Committee of Privileges of the House of Lords as evidence in support of the petitioner's asserted relationship with the antient Chandos family.¹

In the claim of Sir John Shelley Sydney, Bart. to the barony of De L'Isle, there was produced before the Committee of Privileges of the House of Lords an antient pedigree, brought from the evidence-room at Penshurst Place, the seat of the petitioner's family, entitled "The Genealogies of sundrie noble and famous Howses, whereof Sir Robert Sidney, Knight, is lineallie descended, which said howses are divided into five parts;" and the same was received in evidence, as proof of many statements in the petitioner's pedigree.²

In the Molesworth Peerage case in 1821, a letter, without the envelope in which it had been, and consequently without an address, was not allowed as evidence before a Committee of Privileges of the House of Lords, in consequence of such deficiencies.³

In the Roscommon Peerage case in 1824, the letter of a former and deceased claimant to the earldom, was produced and received as evidence before the Committee of Privileges of the House of Lords, that he had no issue at the date of writing the letter.

At the Shrewsbury Summer Assizes 1823,⁴ a family bible, containing the plaintiff's pedigree, was produced, and the pedigree was (notwithstanding an objection to such evidence) allowed to be read, the judge receiving it on the authority of the case, Doe dem. Cleveland, York assizes; leaving it, however, to the jury to say, whether, from the unsatisfactory account of the plaintiff's possession of such bible, as well as from the unsatisfactory appearance of the entries therein, (the whole having been evidently written by one person, at one time, although comprising the family events of nearly half a century,) they considered the entries entitled to credit.

In the claim of Hans Francis Hastings, Esq. in 1818, to the Earldom of Huntingdon, there was produced before the Attorney General, to whom the petitioner's claim was referred, a letter from the Countess of Moira, deceased, the heiress of the last Earl of Huntingdon, in which she stated in the most positive manner, that the petitioner's uncle, and, on failure of his issue male, the petitioner's father, was next heir to the Earldom;⁵ and this letter is understood to have had much influence in the success which attended the petitioner's claim.

¹ Minutes of the Chandos Peerage.—² Minutes of Evidence, p. 115.—³ Molesworth Minutes of Evidence, p. 36.—⁴ *Fairelaim dem. Jones. v. Harrison.*—⁵ *Huntingdon Peerage*, by H. N. Bell, 1821, p. 357.

TITLE DEEDS THEIR INROLMENT AND REGISTRY.

27 HENRY VIII.—1535.

TO

6 GEORGE IV.—1826.

TITLE DEEDS	-	-	-	-	-	-	1535 to 1826
CHANCERY INROLMENTS	-	-	-	-	-	-	1535 1826
KING'S BENCH INROLMENTS	-	-	-	-	-	-	1535 1826
COMMON PLEAS INROLMENTS	-	-	-	-	-	-	1535 1826
EXCHEQUER INROLMENTS	-	-	-	-	-	-	1535 1826
CLERK OF THE PEACE INROLMENTS	-	-	-	-	-	-	1535 1826
CITY AND CORPORATION INROLMENTS	-	-	-	-	-	-	1535 1826
THE FEN REGISTRIES	-	-	-	-	-	-	1663 1826
YORK AND MIDDLESEX COUNTY REGISTRIES	-	-	-	-	-	-	1704 1826

TITLE DEEDS, 1535 to 1826.

THE account of the “*Chartæ Antiquæ*” already given,¹ relates so materially to *title deeds*, and their genealogical value, as well as the reason for making the date of 1535 the boundary between antient and modern deeds, that it must be referred to as a portion of this chapter; and it will only

¹ Ante, p. 18. Mention has been made both there and in p. 110, of the title deeds still remaining with the records of the Court of Wards and Liveries, at the Chapter House, Westminster. It is necessary to observe in addition to the account already given, that Calendars of the names of all the Wards, and the situation of their estates, have lately been made, from which it appears that the deeds of 5000 wards and estates remain unclaimed.

be here necessary to point out those repositories where modern title deeds, or transcripts of them, should be searched for, in addition to the charter chest of the family.

INROLMENTS IN THE COURT OF CHANCERY,

1535 to 1826.

Deeds between private individuals were inrolled in Chancery, as early as the reign of Edward II., and are still extant upon the various rolls of that court, preserved at the Tower of London, and at the Rolls;¹ the custom of inrolment in the other courts at Westminster is probably of subsequent introduction. Inrolment of deeds is, in most cases, by statute, as bargains and sales, by the act of 27 Henry VIII., c. 16; deeds in corporations, by the 34 and 35 Henry VIII. c. 22; writings in the counties of Lancaster, Chester, and Durham, by the 5 Elizabeth, c. 26; grants from the crown of felons' goods, by the 4 and 5 William and Mary, c. 22; deeds and wills of Roman Catholics, by the 3 George I. c. 18. It is probable that the multitude of deeds required to be inrolled, especially of bargains and sales, as the conveyance by lease and release was not then invented, and the irregularity of the clerks in Chancery, who inrolled the deeds on rolls of different descriptions, gave rise to the establishment of the Inrolment Office of the Court of Chancery, which was instituted by letters patent in the year 1574 (16 Elizabeth); and on the Close Rolls, thenceforth preserved at that office, or at the Rolls Chapel, are contained transcripts of the several deeds inrolled in that court from that period, principally consisting of bargains and sales, settlements and wills of Roman Catholics, conveyances of bankrupts' estates, recognizances, memorials of annuity deeds, and other miscellaneous deeds and instruments inrolled for safe custody. From 1574 to 1784, these Close Rolls are at the Rolls Chapel, and thence to the present year they are at the Inrolment Office, Chancery Lane. There are calendars or indexes to the inrolments.²

¹ These rolls, with their contents, have been taken notice of under the several titles by which the rolls are designated.——² Report on Public Records, 1800, p. 109.

INROLMENTS IN THE COURT OF KING'S BENCH, 1535 to 1826.

The rolls of the court of King's Bench in possession of the clerks of the Treasury and Custos brevium et recordorum, commence in 1422, (1 Henry VI.) and contain, in addition to the judgments and proceedings of the court, such instruments, deeds and writings, as the court orders to be inrolled of record. The indexes commence in 1656, and are kept at the clerk of the dockets in the King's Bench office, Temple: some imperfect earlier calendars remain, but it is supposed the greater part were destroyed at the fire of London, in 1666. The rolls are preserved in the King's Bench Treasury, Westminster.¹ Those prior to 1422, are at the Chapter House, Westminster, an account of which will be found under the title *Placita*.²

INROLMENTS IN THE COURT OF COMMON PLEAS, 1535 to 1826.

Such deeds as the court orders to be inrolled, are at the Treasury Chamber, Whitehall. The records of this court commence in 1272,³ and the book of entry of inrolments, kept by the clerk of the warrants, inrolments, and estreats (commencing in 1554), is kept at his office in the Temple.⁴

INROLMENTS IN THE COURT OF EXCHEQUER, 1535 to 1826.

The Memoranda or Remembrances in the custody of the King's Remembrancer in the Exchequer, as well as those in the custody of the Lord Treasurer's Remembrancer, contain inrolments of private title deeds. The Memoranda Rolls commence in 1220, and are preserved at Somerset House. They have been very fully described in the preceding page 151.

¹ Report on Public Records, 1800, p. 117.—² Ante, p. 96.—³ See Ante, p. 98.—⁴ Report on Public Records, 1800, p. 122.

The clerk of the Pleas of the Exchequer has rolls commencing in the reign of Edward I., and continued to the present time, on which such private deeds have been inrolled as the court has ordered. The antient rolls are preserved at Westminster, the others are in the Exchequer Office, Lincoln's Inn.¹

INROLMENTS WITH CLERKS OF THE PEACE, 1535 to 1826.

Some Title Deeds are inrolled with Clerks of the Peace, by virtue of various Acts of Parliament. They generally relate to newly inclosed lands, to canals, to deeds of annuity granted subsequently to the Act of 3 George III., or to the wills and conveyances of Roman Catholics under the Act 3 George I. c. 18. By statute 27 Henry VIII. c. 16, bargains and sales of lands are to be inrolled in one of the courts of Westminster, or else within the county where the lands lie before the *Custos Rotulorum*, and two Justices of the Peace, and the Clerk of the Peace of the same county or counties. It is believed there are no records with the majority of Clerks of the Peace of more antient date than the commencement of the 18th century, though it is evident deeds were antiently inrolled with them, but the county records for the Clerk of the Peace of Middlesex, which are the earliest in existence, commence in 1547.

CITY AND CORPORATION INROLMENTS, 1535 to 1826.

From very remote periods, Mayors, Recorders, or other head officers of certain cities and corporate towns, have had power to inroll deeds relating to lands, or to persons, within their jurisdiction, and which inrolment is necessary to their validity. By statute 34 and 35 Henry VIII. c. 22. it was enacted, that all recoveries, deeds inrolled, and releases acknowledged, and taken before the Mayors, Aldermen, Recorders, Chamberlains, or other

¹ Report on Public Records, 1800, p. 214.

head officers of London, or any other city, borough, or town corporate, having authority to take and receive the same according to the laudable usages and customs of the said cities, boroughs, and towns, shall stand and remain of like force, as they were before the statute of 32 Henry VIII. c. 28.

THE FEN REGISTERS, 1663 to 1826.

In the year 1663, (15 Charles II.) an Act was passed “for setting the draining of the Great Level of the Fens, called Bedford Level;” and as this great work of drainage was undertaken by Francis, Earl of Bedford, at his private costs, he had a grant of 95,000 acres, and the Earl and his participants were made a corporation; and it was enacted, that no lease, grant, or conveyance, or charge out of or upon the said 95,000 acres (except leases for seven years or under, in possession) should be of force, but from the time it should be entered with the registers in a book to be provided for that purpose. The Fen lands lie in the counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, and Huntingdon, and the Isle of Ely,¹ and the office for registering the deeds relating to them, is in the Inner Temple, London.

YORK AND MIDDLESEX COUNTY REGISTERS, 1704 to 1826.

There are two register counties in England, containing in the whole four registries, all of which have been created by Acts of Parliament.²

1. For the West Riding of Yorkshire, commencing in 1704.
2. For the East Riding, commencing in 1708.

¹ Statute 15 Charles II. c. 17.—² Statutes 2 and 3 Ann, c. 4. 6 Ann, c. 35. 7 Ann, c. 20. 8 Geo. II. c. 6.

3. For Middlesex, which commenced in 1709.

4. For the North Riding of Yorkshire, which commenced in 1736.

In these offices are entered memorials of all deeds, conveyances, wills, and incumbrances, affecting any honors, manors, lands, tenements, or hereditaments, in their respective counties or districts.

In many instances, especially in Yorkshire, copies of deeds are entered in the registry books at length. Alphabetical indexes are kept of the names of all grantors or testators.

As the registry of all deeds relating to property in Middlesex and Yorkshire is necessary to their validity, it may be presumed that very few remain unregistered.

Without viewing these offices in the light for which they have been instituted, that of preventing frauds and preserving titles, it will easily be perceived, that such repositories are very valuable to the genealogist for the information which such records as settlements and family deeds must afford him in his searches after those families, who have at any period within the last century possessed estates in register counties.

The register office for the West Riding of Yorkshire is at Wakefield; for the East Riding, at Beverley; for the North Riding, at Northallerton; and for Middlesex, in Bell Yard, Temple Bar.

GENEALOGICAL UTILITY.

In the claim of Sir John Shelley Sidney, Bart. to the barony of De L'Isle in 1825, a deed of incorporation of the Hospital at Warwick, by Robert, Earl of Leicester, dated 1585, was produced before the Committee of Privileges of the House of Lords, whereby the right of presentation of inhabitants to the hospital after that Earl's death was given to his *heirs*, and a series of deeds of presentation of inmates to the hospital from that period to the present, was produced to prove, that the petitioner and those through whom he claimed, had uniformly exercised such right of presentation, and must therefore have been the heirs of the said Robert Dudley, Earl of Leicester;¹ and a settlement from the claimant's charter chest made after, and in consideration of the marriage of Sir Henry Sidney and Lady Mary Dudley, in the reign of Edward VI. was also produced, and received as evidence of such marriage, and subsequent deeds of settlement were also produced to prove the marriage of Elizabeth Sidney with William Perry, Esq. and the issue of such marriage.

In the Roos Peerage case in 1804, much of that noble pedigree was proved by title deeds, relating to estates formerly in the possession of the claimant's family, and recourse was had to the then present owner of the estates for the inspection and production of such title deeds, the estates having been many years since sold to indifferent persons; for this purpose Mr. Elwes the owner in 1804 of the manor of Kettleby in Lincolnshire, produced before the Committee of Privileges of the House of Lords, the title deeds of the said manor purchased by his ancestor Jeremy Elwes, Esq. in 1674, in order to prove that Robert, the son of William Tyrwhitt, died without issue, and that Francis his younger brother died, leaving Katherine, the wife of Sir Henry Hunloke, his sole daughter and heir,² which evidence was necessary in support of the petitioner's claim.

In the Borthwick claim of Peerage in 1812, an office copy of a lease from the Registry or Inrolment Office, at Edinburgh, was produced, and received as evidence, that William Borthwick, of Soltray, married Catherine Creighton, and had issue William Borthwick, of Soltray, their son, such particulars being mentioned in the lease, which was dated in 1577.

In the Barnewall claim of Peerage in 1813, some Irish deeds of settlement of the date of 1662 having been lost, evidence was given to the Committee of Privileges of the House of Lords of *search having been made for an inrolment of them* at the proper office in Dublin, in order that copies of them might have been read in evidence.³

¹ Printed Minutes of Evidence, p. 171, 136.—² Roos Minutes of Peerage, p. 232.

³ Barnewall Peerage Printed Minutes, p. 47.

PAROCHIAL AND OTHER REGISTERS OF BIRTH, BAPTISM, MARRIAGE, AND BURIAL.

30 HENRY VIII.—1538.

TO

6 GEORGE IV. — 1826.

PAROCHIAL REGISTERS OF BAPTISMS, MAR-	}	1538 to 1826	
RIAGES, AND DEATHS - - - -			
CHURCHWARDENS ACCOUNTS - - -		1538	1826
FLEET MARRIAGE REGISTERS - - -		1682	1754
ENGLISH AMBASSADORS AND CONSULS RE-	}	1706 1826	
GISTERS - - - - -			
MAY FAIR CHAPEL REGISTERS - - -		1735	1826
RED CROSS STREET LIBRARY REGISTERS -		1740	1826

IN the year 1534, and in the 26 of Henry VIII. the King was by Act of Parliament decreed to be supreme Head of the Church of England, and in 1535, all monasteries which had not lands above the value of two hundred pounds by the year, were given to the King. This dispersion of the monks who were the principal register keepers of those days, gave rise, in all probability, to a mandate issued in 1538, by Thomas Cromwell, afterwards Earl of Essex, the Vicar General,¹ for the keeping of registers of baptisms, marriages, and burials in each parish: and it was afterwards, in the reign of Elizabeth, ordered, that every minister at his institution should subscribe to this protestation, “I shall keepe the register booke according to the Queene’s Majestie’s injunction.”

¹ This was a newly made office, formed by Cromwell.

The registers not being so regularly entered and preserved as was necessary, a constitution was made by the Archbishop, Bishops, and Clergy of the province of Canterbury on the 25 of October, 1597, and approved by the Queen, under the great seal of England, to be observed in both provinces of Canterbury and York, in which constitution it was ordained, that parchment register books should be purchased at the expence of each parish, and that there should be transcribed at the same parish costs from the paper books then in use into the parchment registers, not only the names of those who had been baptized, married or buried, during the reign of the then Queen Elizabeth, (which commenced 1558, a period of thirty-nine years prior to the-mandate) but also the names of those who thenceforth should be baptized, married or buried. Further directions were also given for the examination of the transcripts, the certifying at the bottom of each page by the Clergyman and Churchwardens the correctness of the entries, and the preservation of the registers in the parish chest; and lastly, copies of such registers were to be forwarded annually, within one month of Easter, by the respective Churchwardens to the registrar of the diocese, that they might be faithfully preserved in the episcopal archives. These regulations were confirmed by the 70th ecclesiastical canon of 1603, and an especial direction was again given to transcribe the registers from the beginning of Elizabeth's reign, and so far as the antient books thereof could be procured, from the time that the law was first made in that behalf.

One of the earliest disobediences to this canon was the nondelivery of the duplicate to the registrar of the diocese, a subject of regret, but not of astonishment, when we consider that the registry, transmission and custody of it, occasioned unprofitable labour to uninterested parties.

There are, however, in the registries of various dioceses, duplicate registers, but they are not perfect in any one diocese in the kingdom. The attention of a portion of the existing bench of Bishops to the subject is at present attended with success in some jurisdictions, but in others the object has been disregarded. In the districts of Bath and Wells for instance, there was lately, and perhaps still is, a deficiency in the annual return of registers of 430 out of 480.¹ In that part of the diocese of Winton in the county

¹ Report on Public Records, 1800.

of Surrey, containing about 142 parishes, there are only 20 duplicate registers for all those parishes from 1597 to the year 1800 :¹ and as every parish ought to have annually returned a copy of its registers for the preceding 203 years, there is a deficiency in this district alone of 28,806 registers. The accompanying schedule, taken from the returns to Parliament, will serve in some slight degree as a guide, shewing the assistance an inquirer may be likely to obtain on application for registers at the diocesan registries.

The next interruption to the proper keeping of registers arose from the civil wars, and most parishes are deficient in registers, or at least in registers of any regularity, during the usurpation ; for amongst other absurd innovations, was that of taking the duty of registrars out of the hands of the clergy, and placing it under the guardianship of some village tradesman, whose chief recommendation for the preservation of new records, was probably the zeal he had shewn in the destruction of the antient ; nor could much, if any assistance in general be received from the regularly ordained and inducted Parson of the parish, as multitudes of the most worthy were dispossessed of their benefices, in favour of unordained and uninformed successors ; and they who had obtained possession of a church by a violation of that church's laws, were not likely to be very careful in the preservation of its registers.

But the history of the usurpation registers, and of the commonwealth contract of marriage, is too interesting not to be stated fully, especially as the *particulars* are probably not generally known.

In the year 1644, an ordinance was passed, that “ *The Book of Common Prayer*” should not be thenceforth used, but the “ *Directory for public worship*,” in which was a clause in these words, “ And it is further ordained “ by the authority aforesaid, that there shall be provided at the charge of “ every parish or chappelry in this realm of England and dominion of “ Wales, a fair register book of velim, to be kept by the minister and other “ officers of the church ; and that the names of all children baptized, and of “ their parents, and of the time of their birth and baptizing, shall be written “ and set down by the minister therein, and also the names of all persons

¹ Authority of the Registrar.

“ married there, and the time of their marriage, and also the names of all
“ persons buried in that parish, and the time of their death and burial, and
“ that the said book shall be shewed by such as keep the same, to all persons
“ reasonably desiring to search for the birth, baptizing, marriage, or burial
“ of any person therein registered, and to take a copy or procure a certifi-
“ cate thereof.”

In the same ordinance, after setting forth the forms of prayer to be used at marriages, it is added, “ A register is to be carefully kept, wherein the
“ names of the parties so married, with the time of their marriage, are forth-
“ with to be fairly recorded in a book provided for that purpose, for the
“ perusal of all whom it may concern.”

In the year 1653, another ordinance, respecting registers was passed, intitled, “ How marriages shall be solemnized and registered ; as also a register for births and burials,” whereby it was enacted, that whosoever should agree to be married within the commonwealth of England, after the 29th September, 1653, should, twenty-one days before such marriage, send to the register thereafter appointed by the said act, their names, additions, &c. which the register was to publish three several Lord’s days in the church or chapel, or if the parties so desired, in the adjoining market-place, and the register should make a certificate thereof, without which no marriage should take place. And it was enacted, that all persons intending to be married, should come before some justice of peace within and of the same county, city, or town of the said publication, and should make sufficient proof of the consent of their parents or guardians, if either of the said parties should be under the age of twenty-one years. And the said justices should examine by witnesses upon oath or otherways concerning the truth of the certificate and due performance of all the premises, and also if any exception made or arising ; and (if there appeared no reasonable cause to the contrary) the marriage should proceed in this manner. The man to be married taking the woman to be married, should plainly and distinctly pronounce these words :

“ I, A B, do here, in the presence of God, the searcher of all hearts, take thee, C D, for my wedded wife, and do also in the presence of God and before these witnesses, promise to be unto thee a loving and faithful husband.”

And the same on the part of the wife.

Then the justice should declare the said man and woman to be thenceforth husband and wife; and from and after such consent so expressed and such declaration made, the same (as to the form of marriage) should be good and effectual in law; and no other marriage after the 29 September 1653, should be accounted a marriage according to the laws of England.

And that a true and just account might always be kept, as well of publications as of all such marriages, and also of the births of children, and deaths of all sorts of persons within the commonwealth, it was further enacted, that a book of good velim or parchment should be provided by every parish for the registering of such, for the safe keeping of which the inhabitants and householders of every parish chargeable to the relief of the poor, should before the 22d September, 1653, make choice of some able and honest person (such as should be sworn and approved by one justice of the peace, and so signified under his hand in the said register book) to have the keeping of the said book, who should therein fairly enter in writing all such publications, marriages, births of children, and burials of all sorts of persons, and the names of every of them, and the days of the month and year of publication, marriages, births, and burials, and the parents, guardians, or overseers' names; and that the register in such parish should attend the said justice of peace to subscribe the entry of such marriage, and the party so elected should be called the parish register, and should continue three years in the said place of register and longer, until some other should be chosen, unless the parish or justice should remove him; and that the fees to be taken should be

For publications and certificate	-	-	12 pence.
For entry of a marriage	-	-	12 pence.
For entry of the birth of a child	-	-	4 pence.
For entry of a death	-	-	4 pence.
From paupers	nothing.		

And that the said justice of the peace should give (if desired) unto the parties so married, a certificate in parchment under his hand and seal of such marriage, and of the solemnization thereof, and of two or more of the witnesses then present, and that the justice's clerk might receive for this certificate, twelvepence.

And that if such certificate should be produced to the clerk of the peace for that county, and request made to him to make an entry thereof, then he should enter the same in a book of parchment to be provided for that purpose and kept amongst the records of the said sessions, and restore the said certificate, for which entry he should receive fourpence.

And it was enacted, that a woman should be of age to consent at fourteen, and a man at sixteen years of age. And that all controversies touching marriages or contracts should be determined at the quarter sessions.

These ordinances contain no particular directions for the preservation of the registers, and as they were retained in private hands, and the registrars were continually changed, most of the records have been lost; in some parishes the entries are found in the old parish book of registers.¹

² THE FOLLOWING ARE COPIES OF THE FORMS THEN IN USE.

“ London :

“ These are to certify whom it may concern, that on the 23d day of September, 1653, before me, Robert Tichborne, Alderman, one of the Justices of the Peace within the City, came Thomas French, of the parish of Peeter's Poul's-Wharf, and produced a certificate, under the hand of several of the inhabitants of the parish aforesaid, of his election upon the 20th day of this instant September by them to the place of register for marriages, births, and burials in the parish aforesaid, according to the Act of Parliament in that case made and provided, desiring my approbation of the said Thomas French to the place of registering aforesaid, as also to swear him to the said office, as is by the said Act directed, both which I have accordingly done. Witness my hand the day and year abovesaid.

ROBERT TICHBORNE.”

And under this entry,

“ Marriadges.

Begone the 30 September, 1653.

“ John Ridgway, Bricklar, and Mary Chart, widdow, according to a Act of Parliament baringe date the 24 August, 1653, was three several times publised in the Market-place, and afterwards married by mee, upon Tuesday the six of December, 1653.

“ THOMAS ATKIN.”

“ Arundel in Sussex, 1653.

“ Thomas Ballard, Gent. Town Register, sworn before me, John Albery, Mayor.”

¹ As at St. Martin in the Fields, Middlesex.—² These specimens are transcribed from a scarce small quarto Pamphlet, published by Ralph Bigland, Esq. in 1764, entitled “ Observations on Marriages, Baptisms, and Burials, as preserved in Parochial Registers.”

“ Marriages.

“ 1653. } John Turner, of Steyning, Sussex, and Sarah Campion, of Sounting in
 March 9. } the said County, Spinster, with consent of friends.

“ Published in Steyning and Sounting.”

“ Memorandum, That the marriage between John Hobson, of — in this county, Gentleman, late the son of Robert Hobson, late of Oram alias Utram, in the county of Yorke, deceased, of the one part, and Lucy St. Paul, of Hammersmith, in the parish of Fulham, in the county of Middlesex, widowe, of the other part, was solemnized before Colonel Harvey, one of the Justices of the Peace of this Commonwealth, on the 28 day of June, according to a late Act of Parliament concerning Marriages, 1654.”

CERTIFICATE OF A MARRIAGE PERFORMED BEFORE SIR JOHN
 DETHICK, KNIGHT, ALDERMAN OF LONDON.

“ London, s. s. According to an Act of Parliament, intituled an Act for marriages and the registering thereof, and also touching births and burials, I, John Dethick, Knight, one of the Aldermen and Justices of the Peace for the said Cittye, doe hereby certifie unto all whom it may concern, that Robert Constable, of Andrewes, Holborne, Gent. and Bridget Exton, of the parish of Benet’s Paul’s Wharf, producing two certificates under the hands of the respective registers, of the publication of their intention of marrying each with other, three several market days in Newgate Market in three several weeks, were married before me the tenth day of November, 1656, in the presence of John Exton, Doctor of the Civil Lawe, father of the said Bridget, Everard Exton, Mary Exton, and John Clements, of London, Gent. and other witnesses. In testimony whereof, I have hereunto set my hand and seal the 11th day of November, 1656.

“ J^{NO}. DETHICK.”

¹ CERTIFICATE OF THE MARRIAGE OF CROMWELL’S DAUGHTER.

“ November 11, 1657.

“ These are to certifie whom it may concerne, that (according to a late Act of Parliament entytuled, an Act touching marriages, and the registering thereof, &c.) publication was made in the publike meeting place in the parish church of the parish of Martin’s in the Fields, in the county of Middlesex, upon three several Lord’s days, at the close of the morning exercise, namely upon the xxv day of October m^{DC}lvii, as alsoe upon the i and viii days of November following, of a marriage agreed upon betweene the honorable Robert Rich, of Andrew’s, Holborne, and the right honorable the Lady Frances

¹ From Noble’s House of Cromwell, who refers to Peck’s *Desiderata Curiosa*.

Cromwell, of Martin's in the Fields, in the county of Middlesex. All which was fully performed, according to the Act without exception.

"In witsnesse whereof I have hereunto set my hand the ix day of November, MDCLVII.

WILLIAM WILLIAMS,

Register of the parish of Martin's in the Fields."

Then follows in the hand of Henry Scobell.

"Married xi Novemb. MDCLVII, in the presence of His Highness the Lord Protector, the right hoñble the Earls of Warwick and Newport, (Robert Rich and Mountjoy Blount) Robert Lord Rich, the Lord Strickland, and many other."

One of the first statutes of Charles II. having annulled all the Protector's ordinances, it was found necessary to pass another act in the 12 Charles II. confirming all marriages solemnized after the 1st of May, 1642.

This ill-continued system of registers ceased, however, with the Usurpation, and from 1660 the parochial registers have been well kept, and the extraordinary number of entries of deaths in some parishes during the times of the plague, proves that these records were not always negligently attended to even in those days of terror and danger. The registry of Ramsey, co. Huntingdon, mentions 400 people who died there of the plague, in or about February 1665; it was introduced, as the register states, into the place by a gentleman, who first caught the infection from wearing a coat, the cloth of which came from London; the tailor who made the coat, with all his family, died, as did no less than the number above mentioned. The registry of St. Bartholomew the Great, London, has this entry: "July 14, 1641, Sir George Hastings was this day buried of the plague." And the register of St. Martin's in the Fields is crowded with the registration of burials during the time of the plague.

The next legal notice of registers arose out of a tax upon marriages, births, and burials, bachelors and widowers, for the levying of which it was by statute 6 and 7 William III. c. 6. enacted, that every clergyman should keep a register of all persons married, buried, christened, or born, in his parish, under the penalty of £100.

And that no person should be married at any place, pretending to be exempt from the visitation of the bishop, without a licence, except the banns were legally published.

In the next year, (1695) a further enactment was made to restrain marriages without licences or banns, and for better registering marriages, births, and burials; and it is there mentioned, that former acts for levying the duties of five shillings on each marriage were rendered of no effect, because the regular clergy allowed unbeneficed clergymen to marry great numbers of persons in their churches or chapels without either banns or licence; and also that many clergymen being in prison for debt and otherwise, did marry in the said prisons many persons resorting thither.

To remedy which, further penalties were enacted, and distinct registers were to be kept of children born in the parish and not christened, and all parents were, within five days, to give notice of the birth of a child.

In 1711, (10 Ann) in consequence of the "inconveniences which daily grew" from solemnizing clandestine marriages, an act was passed, imposing further penalties on clergymen offending; but all these evils were greatly, if not entirely, redressed by the Act of 26 George II. c. 33, which ordained, that all marriages to be had after the 25 March, 1754, should be according to the forms therein set forth, under the penalty of transportation. And it was amongst other clauses directed, that the churchwardens and chapelwardens of every parish or chapelry should provide books of vellum or good paper, in which all marriages and banns of marriage should be registered; that the pages should be numbered and ruled with lines at proper and equal distances, and that the banns and marriages should be registered and signed by the clergyman; and that the books should be carefully kept for public use: and that the marriages should be in the presence of two witnesses, and that all parties should sign their names to a register thereof in this form:

A B of the
this Parish
and C D of the
this Parish
were married in this Church
Chapel by Banns
Licence with consent of Parents
Guardians this
day of in the year
by me Register
Vicar
Curate

This marriage was solemnized between us A B
C D in the presence of E F.
G H.

The Act of 1754 having rendered it necessary to the legality of a marriage, that it should be solemnized in some church or chapel where banns had been theretofore usually published, the Court of King's Bench was compelled in 1781, to declare a marriage void which had been duly solemnized in a consecrated chapel *erected in 1765*. An Act of Parliament was, therefore, immediately passed, declaring that all marriages solemnized before the 1st August, 1781, in any church or public chapel, erected and consecrated since the 26 George II., should be good and valid in law, and that the registers of such marriages or copies thereof, should be received in all courts as evidence. And that the registers of all marriages solemnized in any such chapels should, within twenty days, be removed to the parish church of the parish in which such chapel should be situated, to be kept with the marriage register of such parish.

In 1804, a similar Act was found necessary and passed, validating all marriages in chapels erected since the 26 George II., and solemnized before the 25 March, 1805.

The next and last legal interference respecting registers, was the Act of 52 George III. c. 146, introduced by the late Right Honourable George Rose, a law which has very much amended the state of parochial registers, though it is much to be regretted that the information offered to Mr. Rose by various parties on the occasion, pointing out amendments which might have been made in the bill, was not taken advantage of: nothing would be more simple than to have a reference¹ from one register to another, so as to enable a party born a hundred years hence, by procuring a copy of his baptismal register, to trace his family to this day. The Act after reciting that the amending the manner and form of keeping and of preserving registers of baptisms, marriages, and burials of his Majesty's subjects in the several parishes and places of England, would greatly facilitate the proof of pedigrees of persons claiming to be entitled to real or personal estates, enacts that new books of registers with new forms,² should be used by all parishes after the 31 December, 1812, which books were to be procured from the King's printer. The baptisms, marriages, and burials, were to be registered

¹ The baptismal certificate should refer to the parent's marriage church, and the marriage certificate should refer to the parties' baptismal parishes, and the burial certificate might refer to either.—² Copies of these forms are subjoined.

in separate books, the registers of each parish were to be preserved in an iron chest, and annual copies were to be sent to the Bishop's registrar of the diocese, who was likewise to be furnished with lists of extant register books.

Many parishes have no early registers; a circumstance arising from fires, stealth, neglect, and other accidents,¹ to which all records are liable. * These deficiencies are more frequently found in small country parishes, than in the parishes of the metropolis, or of populous districts, whose inhabitants require weekly or daily use of the registers.

The registers of London parishes will most generally be found to commence in the year 1558, 1st of Elizabeth; and to have been thence regularly continued (the Usurpation excepted) to the present day; the registers of the twenty years intervening between their introduction in 1538 and the year 1558, are not frequently met with.

All parish registers have more entries of burials than of christenings.² Every person (casualties excepted) must be buried; no one need be christened. The injudicious custom of some families half baptizing, instead of christening their children, occasions much of this injury, as half baptisms are not recorded, though some clergymen make memoranda of them.

Many registers contain further information than the baptisms, marriages, or deaths, which is always interesting if not useful, as in the following specimens:

St. Mary's Leicester, "1618, Licence to Lady Barbara Hastings to eat flesh in Lent, on account of her great age."

Eaton, Rutlandshire, 1586. "Mr. Henry Hastings, son and heir of Mr. Francis Hastings, was born on St. Mark's even, April 24, between the hours of 10 and 11 of the clock at night, Sign Sagit. secund. die pleni lunii Marte in Taurum intrato die precedente; and was christened May 17."

Richmond, Yorkshire, 1705. "Buried Mr. Matthew Hutchinson, Vicar of Gilling, worth 50*l.* a year."

1706. "Mrs. Ursula Allen, worth 600*l.*"

¹ The register of the chapel of Somerset House, containing among other entries, some of the Bouverie family, was in an auction catalogue for sale, by Mr. Christie.—² By a calculation made in 1750, and published in folio in 1751, entitled "Observations on the past growth and present state of the City of London," it appears, that from the years 1728 to 1750, both inclusive, the proportion of burials to christenings was, as 1000 to 599; and from the year 1688 to the year 1750, in the proportion of 1522 to 1016.

It should not be forgotten that many parishes, some even in which royal and noble families resided, exist no longer, or have become united to others. No less than thirty-five of the churches destroyed by the fire of London in 1666 have never been rebuilt. In some instances the scites remain for burial grounds, in many others the very scites are built upon ;¹ the antient registers of these parishes, or some of them, may often with diligence be discovered : at times they are to be found in the chest of the nearest, or of a neighbouring parish church.

Some hospitals have the privilege of baptism and burial according to the forms, and by clergymen of the established church.²

It must not be expected that a pedigree tracing through a period of two centuries can be substantiated throughout by parochial registers ; the negligent way in which all, at some period or other, have been kept, prevents any such probability ; for independently of the casualties to the registers themselves, the very books constantly bear evidence that baptisms, marriages, and burials, have been wholly omitted to be entered, and entries of births, marriages, and burials are very common with the *names omitted*, thus :

“ 1722. This day were married by Mr. Holloway, I think, a couple whose names I could never learn, for he allowed them to carry away the licence.”³

“ 1597, M^m. forgotten until now, that Edmund Denmark and Alice Smyth were married the 24th of May, 1584.”⁵

Christenings.—An infant crisaned.⁴

Burials.—A Mayde from the Mill.⁵—“ Black John.”⁴—A prentice of Mr. Kiford.⁴—Goodwife Lee,⁵ 1719.—A Tinker of Berye in Suffolk.⁵

And the death of Richard Hampden, Esq. of Great Hampden, cannot be ascertained, owing to the shameful neglect of the last Rector of the parish, who kept no register of the parish, from 1726 to 1750.⁶

Some persons have their decease registered in two places ; such is the case with many members of Lincoln's Inn, who are buried in their chapel,

¹ In the Gentleman's Magazine for 1824, is a list of churches in London, destroyed by fire or other means, and not rebuilt ; in addition to which it may be mentioned, that in 1560 was a church in Pall Mall, the very name of which Pennant could not discover ; and that the church of St. Mary le Strand was destroyed by the Protector Somerset, to make way for his palace.—² As Brownlow Hospital, parish of St. Giles's.—³ Lincoln's Inn Chapel Register.—⁴ Bigland on Parochial Registers.—⁵ Thorrington in Essex Registers. There is no entry of a marriage between August 1641, and June 1663.—⁶ Noble's House of Cromwell.

and have their obits nevertheless entered in the registers of the parish of St. Andrew, Holborn; and the decease of Catholics is recorded in the register of Catholic chapels, whilst their burials appear entered in the protestant registers of the places of their sepulture.

Antient registers sometimes record marriages which did not take place in the parish; as appears in the following instance, the extract being from the register of marriages in the parish of Shorne, near Rochester, Kent. "1561, George Page, Gent. was married to Isbell Then, y^e 26 of April *at Towne Malling*."

It should be remembered, that it was common in the age of Elizabeth to give the same Christian name to two children successively;¹ and that every unmarried lady was called *Mistresse*, till the time of George I. Hence Shakspeare's Mistress Anne Page. Nor in speaking of an unmarried lady could her Christian name be omitted, as it often is at present, for then no distinction would have remained between her and her mother, though some married ladies were certainly distinguished from their daughters, by the title of *Madam*.²

¹ Malone's Shakspeare, Edition 1821, vol. II. p. 611.——² Same, p. 618.

CHURCHWARDENS ACCOUNTS, 1538 to 1826.

Connected with the parochial registers already described, are the accounts of rates, receipts, and payments by the churchwardens; they may not only be of considerable utility as collateral evidence, proving the identity of parties named in the registers, their residences, estates, and establishments, but by the rates made upon the owners of estates prove the descent of such estates from ancestors to heirs for many generations, and by other miscellaneous entries often afford evidence of births, marriages, and deaths. These records are in some parishes of earlier commencement than the regular registers; and the deaths of Caxton, the earliest English printer, in 1491, and of his father in 1478, are known only by the following entries in the accounts of the churchwardens of St. Margaret, Westminster.

1478. Item, the day of buryeing of William Caxton, for 11 torches and 1111 tapirs at a lowe masse, xxd.

1491. Item, atte bureying of William Caxton, for 1111 torches, vjs. viijd. Item for the belle atte same bureying, vjd.¹

By the 17 George II. c. 38, s. 14, it is enacted that true copies of all rates and assessments made for the relief of the poor shall be entered in a book by the churchwardens and overseers, and attested by them and carefully preserved. And the statute 46 George III. c. 46, compels the overseers of the poor to keep a book, with the name of every parish apprentice, his age, his parents, and other particulars.

The following short abstract of the contents of a churchwarden's account book is from the overseer's book of the parish of Shorne, near Rochester, in Kent, in the year 1598, 40th of Elizabeth; and will serve to give a general notion of these registers, though various parishes contain more or less particulars.

17 April, 1598.

A brief note sett downe by S^r Jhon Leveson, Knight, conteyninge the articles for the order to be observed by the O^vseers of the poore, for theirre direccon in their p^rceedings az followeth, viz^t.

¹ Dibdin's *Typographical Antiquities*.

1. First the names of the poore are to be sett downe.
2. Yo^u are to asseſſe all the inhabitants for theire abilities only, wthout respect of theire acres of land in theire occupacon: yff y^t will not . . . or suffice, then yo^u must asseſſe all the occupiers of land, aswell p^{ri}ſhioners as forryners, and therein yo^u must asseſſe p^{ri}ſhioners and forriners alike, w^{ch} asseſſe ſo made ys to be yerly written into thys booke.
3. Thirdly, the ymploym^t of the asseſſe and of the stock.
4. Fourthly, what apprentices yo^u have placed are to be sett downe and shewed, and what the cost placing.
5. Fyftly, what dwelling places for the poore yo^u have p^{ro}vyded anewe, or otherwise repayed and maynteyned.
6. Sixthly, what ys yet remayne of yo^r collecc^{on} and stock.
7. Seventhly, whome yo^u have allowed to begge.
8. Eighthly, who have defaulted in the monethly meeting.
9. Lastly, who have defaulted in payment towards the asseſſe, and the names of those who are newly elected to be churchwardens and overseers for the poore.

Concerninge the articles of charge by S^r John Leveson, Knight and William Lambarde, Esq. to the Churchwardens and Overseers of the poore in the p^{ri}ſh of Shorne, are answered particularly, and the proceding thereuppon registered as followeth.

To the first article we answer, that we fynd theis hereafter named to be poore aged and impotent p^{er}ſons neceſſarely to be relieved wth continual almes, being ſuch as have already usually receved relief from o^r poores boxe, viz^t.

Elizabeth Morrice, widdowe, of th' age of lx yeres, for blyndnes unable to gett her living without almes.

(And so with ten others.)

Also wee find theis hereafter named to be poore able laboring folke; yett thereby not able ſufficiently, being by any sicknes or other hynderaunce viſited, to helpe themſelves: butt are comonly relived by o^r almes boxe, viz^t.

(Then follow six names.)

Also wee aunſwere to the ſecond article, y^t we finde theis hereaft' named, of yeres able to be putt to bee app^{re}n^{ti}ces, viz.

George Adams of th' age of xiiij yeres.

Prudence Horsley, a girle of th' age of ix yeres.

(And four others.)

The Book then proceeds as follows:

An aſſeſſment made the xxijth of April 1598, by way of landskote, for a ſtock to be p^{ro}vyded and relief to be given to and for the poore of the p^{ri}ſhe of Shorne.

First, voluntarily geven by my L. grace the Archbishopp of Canterbury	xxs.	
Off William Page, Gent. for clxxxviij acres	xvs.	viijd.
Off Wigan Burston, Gent. for c acres	viijs.	iiijd.
Off Reignolde Hawke, for 420 acres	xxxvs.	
Off William Mun, for cc acres	xvis.	viijd.
Off Frauncys Page, Gent. and Wm. Mathewes, for 43 acres	iijs.	vijd.
Off Edward Armestronge, for xvj acres		xvjd.
Off Willm Younge, for c80 acres	xvs.	
Off Jhon Baynarde, for 40 acres		xld.
Off Richard Penystone, for 30 acres	ijs.	vjd.
Off Robert Spieuer and George Reignold, for Lakes farm, for cxxx acres	xs.	xd.
Off John Heathe, for 70 acres	vs.	xd.
Off Crispe ——— for 20 acres		xxd.
Off Thomas Edmeads, for 50 acres	iijs.	iid.
Off Jhon Aymeherst, for 80 acres		

Sum total ixl. xiijs. and id.

(And twenty-eight other names.)

Then follow the names of those which have not payd the aforesaid assessment.

*Then what they layd out weekly and monthly to the necessity of the poore,
being 4d. 8d. and 12d. to each individual per week.*

P^d for a payer of shoes for Wigan Fox y^e same time, xijd.

It: for apparell for Solomon Ferne, viz. jerkin, hose, shoes and dowblet shirt, and other necessaries, when we sent him out to be an apprentice, viijs.

More over we say, we have allowed Wy. Foxe, going with stilts, to beg by o^r appointment, att certeine howses therein lymtyed.

Lastly, for o^r monthly meetings, we have mett according to o^r articles.

' FLEET MARRIAGE REGISTERS,

1682 to 1754.

One of the most notorious abuses existing in London prior to the year 1754, was the solemnization of marriage by regularly ordained clergymen

¹ Concerning clandestine marriages at the Fleet Prison, King's Bench Prison, and Lamb's Chapel; and injunctions for preventing them in 1695, see Lambeth MSS. 929, and Lansdowne MSS. 93-17.

residing within the Fleet Prison or its rules, and generally confined for debt. Future generations will possibly discredit the accounts still fresh in the memories of some of our sires: the following is an extract from the *Gentleman's Magazine* for February 1735, copied by that work from the *Grub Street Journal*.

“ A female correspondent, who signs ‘Virtuous’ complains of the many ruinous marriages that are every year practised in the Fleet, by a set of drunken swearing parsons, with their myrmidons, that wear black coats and pretend to be clerks and registers to the Fleet, plying about Ludgate Hill, pulling and forcing people to some pedling alehouse or brandy shop to be married, even on Sunday, stopping them as they go to the church. Not long since a young lady was deluded and forced from her friends, and by the assistance of a very wicked swearing parson, married to an atheistical wretch, whose life is a continual practice of all manner of vice and debauchery. Another young lady was decoyed to a house in the confines of the Fleet by a pretended clergyman: Dr. Wryneck immediately appeared and swore she should be married, or if she would not, he would have his fee, and register the marriage from that night; the lady, to recover her liberty, left her ring as a pledge that she would meet him the morrow night.”

These abuses were remedied by Lord Hardwicke's marriage act in 1754, but not until many noble families had suffered under the inconveniences of a Fleet marriage. Requisite as Lord Hardwicke's act was, it was evident it could not have been popular, from the eagerness of parties to be married under the old law, and it was deemed expedient to print for distribution a single sheet of paper with reasons for passing the bill, which is now too scarce, as well as too curious, not to be here reprinted.

Reasons for passing the Bill to prevent Clandestine Marriages.

Multitudes of honourable and reputable families have been greatly injured, and many of them utterly ruined by clandestine marriages,¹ solemnized in taverns, brandy shops, alehouses, and other houses, within the liberties of the prisons of the Fleet, and King's Bench, and in the Mint, and other pretended privileged places.

By which abuse, the religious establishment of marriage is entirely subverted, and the legal evidence thereof rendered precarious and uncertain.

¹ John Twisleton, father of John Lord Say and Sele, was married at the Fleet in 1735.—Henry Fox, first Lord Holland, was married to the Duke of Richmond's daughter at the Fleet in 1744.

Instances of the families ruined by such marriages are too many to be here inserted. The number of these clandestine marriages is almost incredible.

On a trial at Guildhall, London, 14 February, 1716, before the then Lord Chief Justice Parker, in an action brought against John Mottram, a clergyman, living within the rules of the Fleet Prison, it was proved that ten register books for marriages were kept in several houses about that prison, and that one of those registers contained above 2000 clandestine marriages solemnized within one year, and the other nine almost as many. Certificates were given of such marriages with the City arms printed on them, and ignorant people were imposed on, in being made to believe that was the King's stamp. The stamp duties on every marriage licence are five shillings; on every affidavit made to obtain a licence one shilling; on every bond executed on grant of each licence one shilling and sixpence; and on every marriage certificate five shillings: total twelve shillings and sixpence.

The loss of the stamp duties by these clandestine marriages amounts to £4 or £5000 per annum.

Notwithstanding the redress of these grievances is under the consideration of Parliament, yet are they daily committed in defiance of the legislative authority.

It is hoped no person will be against a bill to prevent these illegal practices.¹

The registers of these marriages having been preserved, were purchased some few years since by Government from an individual, and are now deposited in the Bishop of London's Registry Office, Doctors' Commons. They commence in the year 1682 and end in 1754; and consist of five volumes prior to the year 1700, and of one hundred and fifty-four from that date to 1754. The books are of paper, in good preservation, and seldom filled, each clergyman having had a separate register, so that there are perhaps twelve registers for every year: the entries are clear and well-written, containing the names, descriptions and sometimes residences of the parties, with the annexation of bachelor, widower, spinster, or widow: they are signed by the clergyman, but not by the marrying parties.

The whole of the following account of their authority as evidence is extracted from Peake's "Law of Evidence."

The books of the Fleet, however corroborated by other circumstances, are not in any case received as evidence of a marriage, not because a marriage celebrated there was not good, for such it clearly was before the marriage act; but because the manner in which those marriages were celebrated,

¹ From an original in the possession of Charles George Young, Esq. York Herald, 1826.

and the conduct of the persons who, without any legal authority, assumed the power of registering them, have thrown such an odium on those books as to take from them even the authority of a private memorandum.¹

Cooke and another v. Lloyd, Salop Summer Assizes, 1803, cor. Le Blanc.

The Fleet books containing a marriage in 1747 were offered, and on Mr. Justice Le Blanc saying they were no evidence, a witness was called, who said there being a question in the year 1761 as to this marriage, he examined these books, then in the possession of a man who said he was clerk to Mr. Dare, (the Fleet Clergyman who married the parties,) and that the entry then stood in the books in the same state as it does now.

Le Blanc, J. This evidence carries the case no farther: the witness had no knowledge of the fact but such as he derived from the books, which were no more evidence then, than they are now; the entry is nothing more than a private memorandum, made by somebody who had no authority to make it, and who might put down any thing he pleased, whether true or false.

ENGLISH AMBASSADORS AND CONSULS REGISTERS.

1706 to 1826.

The clergymen attached to the English Embassies and Consulates perform the office of baptism, marriage, and burial, at the several stations where they are resident; as do also the clergymen of various English congregations settled at factories, trading towns, and other places in foreign countries, not under the dominion of the English. No general rule exists as to the preservation of these registers, and whilst some remain in the hands of the clergymen for the time being of the congregation, others have been transmitted to England to the Secretary of State, or to the Bishop of London; and such as have come under the Secretary's controul, have also been sent to the registry office of the Bishop of London in Doctors' Com-

¹ So ruled by Lord Kenyon in *Reed v. Passer*, Peake's Cas. 231, Esp. 213, S. C.; and by Lord Chief Justice De Grey in *Howard v. Burtonwood*, C. B. sittings at Westminster after Trinity Term 1776; but in *Doe dem. Passingham v. Lloyd*, Shrewsbury Summer Assizes, 1794, Mr. Justice Heath admitted them as evidence.

mons. The Bishop has, in addition to the foregoing, a general register book, in which parties who have been born or married abroad, and the surviving friends of those who have died there, may register their births, marriages, and friends' deaths; this volume was commenced in 1816, though it probably contains entries of an earlier date. The Lisbon registers are deposited at the Vicar General's Office, Doctors' Commons, having been brought away by the Reverend Herbert Hill, chaplain to the factory, when the French war broke out. The following list contains the particulars of all now presumed to be in existence.

Registers at the Bishop of London's.

Antwerp - - - - 1819 to 1821	Hamburgh - - - - 1820 to 1825
Boulogne sur Mer - 1815 1825	Moscow, English } 1706 1827
Brussels - 1818, 1821, & 1825	Congregation at, }
Brazils, Burial } 1821 1822	Oporto - - - - 1716 1822
ground near Bahia }	Paris - - - - 1816 1825
Cronstadt Church - 1807 to 1823	Rotterdam - - - 1815 & 1816
Gibraltar - - - - 1807 1812	General Register - 1816 to 1827
Good Hope, Cape of, 1796 1803	

Register at the Vicar Generals.

Lisbon - - - - - 1721 to 1793.

MAY FAIR CHAPEL REGISTERS,

1735 to 1754.

A marriage at the May Fair, otherwise Keith's chapel in May Fair, was nearly as notorious as a Fleet marriage: the scite of the chapel is now occupied (it is believed) by Curzon chapel. The registers for the May Fair marriages are preserved with the parochial registers of St. George, Hanover Square: they commence about 1735, and end March 24th 1754, when marriages in such chapels were declared illegal by Lord Hardwicke's act, which act was hastened in consequence of the mischief done at Mr.

Keith's chapel, where it is said 6000 marriages took place in one year ;¹ and that in one day he married 173 couple, and that on the 24th of March, 1754, (the last day) before eleven o'clock, 45 couple were married, and when he ceased, nearly 100 pair had been joined together, two men being constantly and closely employed in filling up licences² for that purpose.¹ The registers of these marriages are contained in three folio volumes, closely and clearly written, the marriages being numbered to prevent interlineations ; from October 1753 to March 1754, upwards of 1100 are recorded.³ The Duke of Kingston was married to Miss Chudleigh at this chapel, as was the Baroness Clinton and Say to the Honourable Mr. Shirley in 1751. It is affirmed, that these documents are not received as evidence of a valid marriage, no licence for the chapel having been discovered to have been ever granted ; but I have not met with authority for such statement.

RED CROSS STREET LIBRARY REGISTERS, 1740 to 1826.

Dr. Daniel Williams, a presbyterian minister, who was born at Wrexham in Denbighshire in 1644, and who died in 1716, founded a library in Red Cross Street, Cripplegate, London, for the use of Dissenters, in which library a great many Protestant Dissenters of all denominations have been accustomed to register the births of their children from the year 1740 unto the present day.⁴ The books of registry are large folio volumes, having each page divided into compartments, with printed headings for the information to be registered, and which information is vouched for in a certificate signed by the parents and friends of the parties, also preserved in the library. Blank certificates are kept ready printed on parchment at the library, and delivered to parties applying, for insertion of the requisite names and dates. The following is a copy of one.

¹ Gentleman's Magazine, 1753.—² It should have been stated under the head Marriage Licences and Dispensations, that the frequent use of Marriage Dispensations arose, as is recited in the Act 32 Henry VIII. c. 38, from the subtlety of the church of Rome, whereby no marriage could be so surely knit and bounden, but it should be in either of the parties power to prove a precontract, a kindred and alliance, or a carnal knowledge.—³ Personal Inspection.—⁴ The Same.

GENEALOGICAL UTILITY.

There is scarcely a claim of peerage, or case of heirship on record, which has not been proved in part by *parochial registers*: they are of the first class of evidence, yet it is important to have proof of the identity of the parties named in them,¹ otherwise any individual of common name might, by industry, discover registers, which would trace a descent from any ancestor of such name as he might desire.

In claims of English peerage, the rule of the House of Lords, ever since the attempt of Mr. Brydges to obtain the Chandos peerage, has been not to receive *copies* of registers, but to require the *original parochial register* itself to be produced; excepting that the house has not yet applied the rule to an Irish register. In the Roscommon peerage in 1825, *copies* of Irish registers having been offered in evidence, counsel were informed that the Committee of Privileges always required the original registry in cases of peerage, and the petitioner's counsel having submitted that the house would not apply that rule to his case, as it never had been yet applied, he believed, to an Irish case, he was informed that the evidence might be taken *de bene esse*; but that their lordships felt a great difficulty in receiving copies after what had passed in other cases. The Attorney General submitted that some means might be devised of enquiring into the authenticity of the particular register; and on a subsequent day, he having again submitted the necessity of requiring the original registers, since if the rule were applicable to an English case, it was peculiarly so to an Irish case; the committee informed the counsel, that the witness who had produced the copies must give further evidence of their accuracy, and of the state of the registers.²

In the Marchmont peerage case in 1822, *copies* of Scotch registers having been offered as evidence, were objected to, when counsel having submitted whether there was not a distinction in the case of Scotch peerages, were informed that the committee were not aware that such a distinction had ever been taken, and the same were only received *de bene esse*.³

In the Chandos peerage case, the Committee of Privileges not being satisfied with the appearance of the register of the parish of Maidstone for the year 1603, required the production of the *Archbishop of Canterbury's duplicate register*, which was found to correspond.⁴

¹ See the Minutes of Evidence in the Roscommon Peerage, 1825, p. 5, where this identity was required to be proved.—² Printed Minutes of Evidence, p. 5 and 45.—³ Printed Minutes of Evidence, p. 47.—⁴ Printed Minutes of Evidence, p. 45.

And in the claim of Charlotte Gertrude McCarthy in 1825, to the Stafford peerage, suspicions having arisen as to the entries in the parochial register, the duplicates were called for from the Bishop's registry, and the forgery in the originals thus discovered.¹

In the Zouche peerage case in 1804, *the parish books of rates and loans* were produced and received as evidence in support of the petitioner's claim, to prove the existence and residence of Mary Connand, widow, at Hanbury, in 1649.

In the Chandos peerage case, *the churchwarden's account-books* for St. Bride's, Fleet Street, in the year 1641, were produced to prove the death of Anne Bridges, which was thus entered: "*Item, for the burial of Ann Bridges, and for the knell, being a stranger 13s. 4d.*" It was stated by the counsel that this death did not appear in the regular register of burials, but that in the churchwardens' accounts, under the article of receipts for pitts and knells, were a variety of entries respecting persons who had been buried in that parish, and those who had the bell tolled for them though buried out of the parish. Amongst those entries of receipts, there were a great many names that did not occur in the original register, and they were offered by the counsel in the case as entitled to greater credit, inasmuch as they contained a specific and generally weekly account of moneys received by the parish clerk, or some other person, to be accounted for to the churchwardens of the parish.²

¹ Printed Minutes of Evidence, 1825. — ² Printed Minutes of Evidence, p. 97.

PRINTED DOCUMENTS.

1 EDWARD VI.—1547.

TO

6 GEORGE IV. — 1826.

PRINTED documents are admitted as evidence in the courts of law and in the house of peers, but not indiscriminately, and with much more circumspection at the present day than formerly. Even when compilations, they become by time essentially valuable, as preserving particulars of persons and events, the manuscript records of which have perished. We are now more indebted to printed works for preserving epitaphs and inscriptions, than to the decaying and decayed monuments from which they were transcribed. And we are beholden to the fleeting peerages, baronetages, and magazines of the day for recording genealogies and biographical notices of noblemen and persons of eminence, not now to be procured from other sources.

The limits of a few pages will not allow an enumeration of the various works which should form the genealogist's library, and the following account is scarcely deserving of the name of an outline of them.

PEERAGES.—The first was Milles' Catalogue of Honor, published in folio in 1610, although Camden's Britannia, of which the first edition was published in 1586, and the fourth in 1594, contained many noblemen's genealogies. From 1600 to 1700, there were about thirty-five peerages, or baronages, or lists of the nobility printed, being one triennially; from 1700 to 1825, there were about 130, or one annually. Many peers can shew no pedigrees but what they find recorded in the printed peerages.¹

¹ A Catalogue of Peerages in the Library of Charles George Young, Esq. York Herald, and containing nearly all which exist, has been lately printed for private distribution.

BARONETAGES.—The first was by Collins in 1720, and the last in 1824; there have not been more than twelve works of this description.

COUNTY HISTORIES.—The custom which has for some years prevailed of introducing pedigrees as well as every description of genealogical information into these works, renders them invaluable.¹ The authors are often allowed access to family manuscripts, and title-deeds, as well as free inspection of public records, which give to them, and thereby to the public, information not to be obtained by other individuals.

MAGAZINES AND THE LIKE.—The London Gazette, which commenced in 1665, has been several times noticed in these pages, as containing genealogical particulars. Chamberlayne's State of Great Britain² was nearly an annual work from 1663 to 1755. Its successful rival, the modern Red Book, was first published in 1739. In 1714, the Historical Register was published, with births, marriages, and deaths, and a volume was published annually until 1738. In 1731, the Gentleman's Magazine was published, and has, from that period, continued a monthly publication to the present day. In 1732, the London Magazine was published, and continued for fifty-four years, when it ceased. Indexes of names accompany both these works. The European Magazine succeeded the London, and to all of these, but especially to the Gentleman's, will the genealogist be much indebted.

REPORTS OF LAW CASES.—The Year-books commence in 1220, and the Reports of cases have been continued to the present day, forming many hundred volumes. Heirship is, perhaps, as frequent a cause of dispute, as any one subject which can be named.³

FAMILY HISTORIES AND MISCELLANEOUS WORKS.—Some of the best English families have published genealogies of their families, with proofs of their descent. These works are enumerated in Moule's *Bibliotheca Heraldica*: other printed books abounding with genealogical information, are very numerous; such as histories and chronicles, and the letters and papers of great men, so frequently published; the records of bishops,

¹ Mr. Upcott, of the London Institution, has published a catalogue of them.—²See ante, p. 70. The *Angliæ Notitia* is there stated to have been first printed in 1669: but the earliest was in 1663.—³The names of all the books of reports, their dates, and an account of a portion of them, may be seen in Worrall's *Bibliotheca Legum Angliæ*, 1788, and *Law Catalogue*, 1823.

church and university men, the names, ages, and particulars of scholars educated at public schools, lists of knights and works on knighthood, the copies of many public records and indexes of others of late years printed by order of the record commissioners, books of epitaphs and monumental inscriptions,¹ election poll books,² army and navy lists,³ miscellaneous biographies, the lists of divines, lawyers, medical men, and artists, annually published, the red book,⁴ and books of heraldry in general.⁵ The first book published on the subject of genealogy was Kelton's *Chronycle*, with a genealogy of Edward VI. printed in 1547, and thence this chapter is dated.

¹ See Ante, p. 28.—² See Ante, p. 67.—³ See Post.—⁴ See Ante, p. 70.—⁵ Four Catalogues of Heraldical Books have been published: 1. By Gore, in 1668 and 1674; 2. By Dallaway in his *Heraldic Inquiries*, 1793; 3. By Brydges, in his *Censura Literaria*; and 4. By Moule, in 1822, in his *Bibliotheca Heraldica*; but works of genealogy are only partially noticed in them.

GENEALOGICAL UTILITY.

The copies of most *Acts of Parliament*, printed by the King's printer, are received as legal evidence.

Printed copies of *Proclamations and Orders of the King in Council* are received as evidence, such copies being printed by the King's printer, by the King's authority.

The printed Journals of the House of Lords in Ireland are received as evidence by the House of Lords in England; and the *printed Journals of the last named House*, used also to be received in evidence; but of late years, *the original journals* have been required, when referred to as evidence.

The *printed Reports of Law and Equity cases* are daily received as evidence of the decision of the courts on the cases there reported; and in the report of the Attorney General on the petition of Charles Augustus Ellis, an infant, claiming to be Lord Howard of Walden, he stated certain evidence relating to the heirship of the claimant, which he found in Vesey's and Sir John Strange's printed Reports.¹

The printed volume called *Speed's Chronicles* was admitted as evidence of the death of Edward the Second's Queen, in the case of Lord Brounker v. Sir R. Atkins, where Chief Justice Pemberton said, he knew not what better proof they could have.²

In the claim of Thomas Stapleton, Esq. to the Barony of Beaumont in 1790, a *Monumental Inscription*, once existing in a monastery in France, was allowed to be read from a *printed book*, entitled "Memoires des Constitutions des Benedictins Anglois," on its being proved that there was still remaining in the said monastery, a stone, on which, though then applied to other purposes, and in great part defaced, were legible letters exactly corresponding with the incipient letters of several lines in the printed inscription.³

It has been determined, that Dugdale's Baronage is not evidence, to prove a descent.⁴

¹ Sir A. Piggott's report, dated October 1806, printed 1807.—² Phillips on Evidence, who refers to Skin. 14. Although nearly one hundred and fifty years have elapsed since this decision, it is presumed much better evidence of the fact could now be procured. The obituary of the Grey Friars, still preserved in the British Museum, contains the entry of this Queen's sepulture; and the original inquisition, with the evidence of her death, taken before the King's Escheators, is in the Tower of London.—³ Beaumont Peerage, printed Minutes, 1795; and Townsend's Prospectus of Baronies by Writ.—⁴ Phillips on Evidence, who refers to Percy's case, 2 Jon. 164.

In the Stafford peerage case it was proposed, in the place of producing certain original lists and documents which had been lost, to produce Sandford (Lancaster Herald)'s History of the Coronation of James II. the compilation being by the King's special command, printed by the King's printer, licensed by the Earl Marshal, and containing the King's Sign Manual, countersigned by the Secretary of State and Lord President of the Council, giving Mr. Sandford the sole privilege of printing the same for fourteen years, in order to prove that Mary Baroness Stafford was summoned to attend, as a Baroness by descent, at the coronation of James II.; and the volume was offered as evidence—1st, on the footing of documents printed by the King's printer, under the King's order; 2dly, that it ought to be considered presumably as an attested copy; but, after much argument, the same was rejected.¹

In the Marchmont peerage case, Mr. Brougham proposed to prove part of the claimant's pedigree, from Crauford's Peerage of Scotland; but the production of the same book being objected to by the Attorney General, the former submitted that contemporary histories were evidence in the Scotch courts, and also in cases of pedigree, in which Scotch property or Scotch titles were in question; and the consideration of the admissibility of the book being postponed, Mr. Brougham on a subsequent day was heard in support and referred to Erskine's Institutes, page 725, but counsel not being aware of such evidence having been received in the case of a Scotch Peerage, were informed that the book could not be received in evidence.²

¹ Printed Minutes, 1812, p. 98.—² Printed Minutes of Evidence, 1822, p. 77.

OWNERS OF FORFEITED ESTATES.

24 CHARLES I.—1649.

1 GEORGE I. — 1715.

18 GEORGE II.—1745.

24 CHARLES I.—1649.

THE papers relating to the estates of those families whose lands were sequestered, or encumbered with a fine, by Cromwell, in consequence of their adherence to their sovereign, are preserved at the State Paper Office, Great George Street, Westminster. They embrace a period of twelve years, from 1649 to 1660, and are bound up in folio volumes. There are two sets of documents: one relating to about 5000 persons whose estates were sequestered; the other relating to about 3000¹ persons who compounded for their lands.

These documents contain the particulars of the estates sequestered or compounded for; the latter having a petition to the Parliament, signed by the owner, a survey of his lands, &c., particularizing them most fully, then an order of the Parliament thereon; and generally will be found in them an account of the petitioner's family, and of the entailment or inheritance of his property.

1 GEORGE I. — 1715.

18 GEORGE II.—1745.

The papers and parchments relating to the forfeited estates of the northern rebels in these years, are preserved at the Tower of London.

¹ An alphabetical catalogue of the Lords, Knights, and Gentlemen who compounded for their estates, has been published, and may serve as a calendar to the original documents in the State Paper Office: the second edition was in 1655, and other editions were in 1659 and 1733. The compiler seems to have been Thomas Dringe, of Fleet Street, Stationer.

Commissioners were appointed to make inquiries for, and seize all the lands of the King's enemies, forfeited to the King by their rebellion; and the whole proceedings before these commissioners, containing surveys, particulars, claims, appeals, and much matter of family pedigree, are contained in a vast number of books and boxes, and known by the name of the Proceedings of the Commissioners on Forfeited Estates.

RECORDS OF CLERGYMEN AND OTHERS.

RECORDS OF CLERGYMEN.

—————	ROMAN CATHOLICS.
—————	JEWS.
—————	LAWYERS.
—————	SURGEONS, PHYSICIANS, &c.
—————	SOLDIERS.
—————	SAILORS.
—————	EAST INDIA COMPANY'S SERVANTS.

RECORDS OF CLERGYMEN.

THE birth, education, life, and death of a clergyman, may be traced with great facility. The College and University registers afford a portion of these particulars, and the ecclesiastical records preserved in the respective dioceses, or in the King's hand, supply the residue: the former documents have been already described; the latter consist of the Bishops' registers, and of the registers of the First Fruits and Tenths.

THE BISHOPS' REGISTERS.—In the records of the Archbishops, Bishops, Deans and Chapters, or other ecclesiastical authorities having jurisdiction over benefices, will be found the names of the incumbents of the several benefices throughout England from the earliest times, the date of their inductions, the names of the patrons or patronesses; and, should the advowsons have been family possessions, a series of such patrons' ancestors, with many particulars of them, their deaths, their heirs, and devisees. The dates of

these registers, though varying in each diocese, are all of great antiquity: those of London commence in 1306; but there are manuscripts in the British Museum, and other libraries, from which lists of the dignitaries of the church have been compiled (with little interruption) from the time of the introduction of Christianity into the Island; and even the parochial clergy may in general be found registered from a few reigns after the Conquest.

THE RECORDS OF THE OFFICE OF THE FIRST FRUITS AND TENTHS.—At the Reformation Henry VIII. by Act of Parliament, put himself in the situation of Pope over the Clergy, and the First Fruits (or profits, after a voidance, of every spiritual living for the first year) and the Tenths (namely the tenth part of the annual value of every spiritual benefice) were thenceforth ordered to be paid to the King instead of the Pope. To receive these, an office was made with the above title, and certificates from the bishops of the patronages and institutions to all ecclesiastical benefices (except as herein mentioned) are there filed, and consequent entries are made in the books of the office. By statute 27th Henry VIII. the two Universities are exempted from First Fruits and Tenths. By an Act of Queen Anne, certain poor livings were likewise discharged on account of the smallness of their incomes: and those spiritual benefices called Donatives, or Curacies, are exempt; of these no information will be found at the office of the First Fruits and Tenths.

The certificates before the Revolution were but irregularly preserved: those, however, which exist from the Reformation to the year 1720, are in the Court of Exchequer at Westminster; since when they have been kept at the First Fruits Office in the Temple.

The Lambeth Library contains the surveys of the possessions of Bishops, Deans and Chapters, and of other benefices made in pursuance of various ordinances of the Commonwealth; also the presentations to livings during that period, and the augmentation of benefices by salaries or pensions for the maintenance of preaching ministers, from February 1647 to December 1658. There are likewise some valuable documents, intitled “*Notitia Parochialis*,” containing returns of 1579 clergymen; giving an account of 1579 parishes in the year 1705; as who were the impropiators of the tythes; by whom the benefices had any augmentations or benefactions; by whom the churches were founded; by whom any union or dismembering of the churches

made; by whom any libraries in the parishes settled; to whom the advowsons, collations, or donations, belonged.

The British Museum¹ and Sion College are rich in histories and matters relating to the clergy; and in Archbishop Parker's² MSS. at Cambridge, are the certificates of all the Bishops of the province of Canterbury, excepting four, containing the names of all rectors, vicars, and curates, whether married or unmarried, learned or unlearned, resident or not, with other particulars, dated in 1560.³

RECORDS OF CATHOLICS.

Roman Catholics, or, as they are termed in the antient Acts of Parliament, Popish Recusants, were not accustomed to keep registers of baptisms, marriages, and burials, prior to the restoration of Charles II.

The Act of 3 James I. after reciting that Popish recusants were not usually married, nor their children christened, nor themselves buried according to the law of the Church of England, but that the same were done superstitiously by Popish persons *in secret, whereby the days of their marriages, births, and burials could not be certainly known*, enacts that all persons married otherwise than in some open church or chapel, and otherwise than according to the orders of the Church of England, by a minister lawfully authorized, should be disabled to have any freehold, dower, thirds, &c. &c.

And that every Popish recusant should, within one month after the birth of any child of his, baptize the same in the open parish church, under a penalty of £100.

¹ Harleian MSS. 6826, 6839, 7020, 7023, 7028, 7548, 7567. Lansdowne MSS. 443, 939. —² Tiberius, A. IX, XCVII, CXXII. —³ There are many printed histories, lists, and biographies of clergymen; such as A Catalogue of Ministers ejected out of their livings for conscience sake, London, 1663. Newcourt's Repertorium, or the Parochial History and the Incumbents and Patrons of the whole Diocese of London, London, 1710. Walker's Sufferings of the Clergy, during the Commonwealth, London, 1714. About 7000 were ejected from their livings, and 3000 more injured. Mr. Walker's work relates to about 1400. Le Neve's succession of all the Dignitaries of the Church, from their first existence to the year 1715. Godwyn's Catalogue of Bishops, Third Edition, 1743. Ecton's Thesaurus, &c. or Valuation of Ecclesiastical Benefices, with names of the Patrons, Second Edition, by Brown Willis, 1754. Dugdale's Monasticon. The County Histories. The Ecclesiastical Guide, containing names of all Incumbents and Patrons, Second Edition, London, 1822.

And, that if any Popish recusant should be buried other than in the church or church-yard, or not according to the ecclesiastical laws of the realm, the executors should forfeit £20.

With the return of Charles II.,¹ himself a Catholic, came a religious toleration, "by omitting to put in execution the many penal laws which had been made against Roman Catholics."² Ambassadors from Roman Catholic sovereigns had mass publicly in their respective chapels, attended by regular congregations. One of the appurtenances to this privilege was, that they who composed the flock of any particular pastor should have the rites of their church performed by that priest; and the books of baptisms and marriage in the Portuguese Ambassador's chapel are accordingly found to commence in the year 1662; having title pages with long explanations, that they are the books kept for the aforesaid purposes, belonging to the King of Portugal's Chapel Royal, at St. James's.³

Catholics have no burial-grounds in the Metropolis or Suburbs, excepting one at Poplar and another in Moorfields, both consecrated within the last six years; and it may be mentioned as a remarkable, perhaps solitary instance, that at Winchester a Catholic burial-ground has existed from the time of the Reformation. As the marriages of Catholics are invalid in England unless they take place according to the Protestant forms by Protestant clergymen, they are not commonly entered in the Catholic registers, though the ceremony is usually performed at the Catholic chapel in addition.

The names of the sponsors are inserted in the Catholic record of baptism, as in this instance :

17 January, 1748. Baptizatus fuit Jacobus filius Jacobi et Susannæ King (natus 16 huj.)

" Patrini fuere Joannes Crown et Gulielmus Commins et Maria Byrn.

" Per me J. KNOWLE."⁴

This custom is not known to the English church; it might occasionally prove identity, and is therefore desirable.

¹ A list of 198 Catholics slain for Charles I. has been published by Mr. Gother.—² As expressed in the Act of Geo. II. c. 55.—³ Charles, being desirous to remove the Queen from his gallantries at Whitehall, fitted up the palace at Somerset House for her reception, and the chapel therein became the haunt of the Catholics, two of whose priests were executed for the murder of Sir Edmonbury Godfrey.—⁴ This is a copy of the earliest entry in the books of the Bavarian Ambassador's Chapel.

It is to be regretted there are no duplicates of Roman Catholic registers; in the first page of that of the Sardinian chapel is the entry of baptism of an English peer's child; at that chapel alone, from 300 to 400 persons are annually baptized; and, on an average of the last six years, 325 children have been annually christened at the chapel of St. Patrick, Soho Square.

The ensuing is a list of all the Catholic chapels at present in London, with some particulars relating to their registers.¹

PORTUGUESE AMBASSADOR'S CHAPEL.²—The restoration of Charles II. was in 1660, and this Ambassador's registers have been kept correctly from that period; they are indexed; the modern are carefully preserved, the antient thrown negligently in a cupboard of dirt. There are about eighty baptisms at this chapel annually; and in the last eighty-three years there have been 550 marriages.

FRENCH AMBASSADOR'S CHAPEL.³—These registers commence in 1793. The marriages and baptisms are of French families chiefly, and at the present day very few in number. The register book, containing the baptisms and marriages from 1723 to 1796, is in the possession of the French Consul, in Great Winchester Street, and the entries of marriages contain the places of birth of the parties, and their parents' names.

SPANISH AMBASSADOR'S CHAPEL.⁴—The registers commence in 1732, are attentively kept, and the number of baptisms in 1823 was 236.

BAVARIAN AMBASSADOR'S CHAPEL.⁵—The registers commence in 1748, and are well kept: all prior to that year were lost in the riots of 1780.

SARDINIAN AMBASSADOR'S CHAPEL.⁶—All registers prior to 1761 were destroyed by a fire in 1760; but there are, at the commencement of the present books, about six pages of registers, from the year 1732 to 1760, being some copies from a book saved out of the flames. From 300 to 400 persons are (as the clerk states) annually baptized here.

¹ By the Act of 11 and 12 of William III. Popish priests celebrating mass, &c. except in the houses of Ambassadors, were liable to perpetual imprisonment. This law was in force till the 31 George III; it would therefore appear, that there can be no Catholic registers for any part of England, except London, from 1698 to 1790. There are now 338 Roman Catholic chapels out of London; of which eighty-two are in Lancashire, forty-five in Yorkshire, seventeen in Staffordshire, and from one to twelve only in each other county: they are particularized in Keating's Laity Directory to the Church Service, 1824.—² South Street, Park Lane.—³ George. Street, Portman Square.—⁴ Spanish Place, Manchester Square.—⁵ Warwick Street, Golden Square.—⁶ Lincoln's Inn Fields.

ST. MARY'S, MOORFIELDS.—This new chapel contains the registers of the chapel formerly existing in White-Cross Street. The rioters of 1780 destroyed all records prior to those of 1763. The lowest Irish are partial to this chapel, and the clerk states that there are about fifty baptisms every Sunday, and three or four every other day.

ST. PATRICK'S, SOHO SQUARE.—The records begin in 1792, the year of the erection of the chapel. There have been on an average 325 baptisms annually.

GERMAN CHAPEL.¹—This chapel has been erected but a very few years, and the congregation is so small, that the registers are scarcely worthy of notice.

The Roman Catholic clergy in Ireland have not been accustomed to keep registers until very lately.

There is another source from which information respecting Catholics may be obtained. By statute 2 George I. c. 55, A. D. 1715, it was enacted, that all Papists having any estate or interest in lands, tenements, or hereditaments, should take the oaths therein required in the Court of Chancery, King's Bench, Common Pleas, or Exchequer, or at the General Quarter Sessions of the Peace, or in default thereof register their names, properties, the occupiers and the leases thereof, with the Clerks of the Peace for their respective counties. And by the 3 George I. c. 18. (A. D. 1716) it was enacted, that after the 29th day of September, 1717, no interest in any hereditaments belonging to Catholics should pass by deed or will, except such deed or will were inrolled in one of the King's courts at Westminster, or with the Clerk of the Peace of the county. These provisions lasted until the 31 George III. (A. D. 1791) when they were repealed.

In the Auditor's Office of the Land Revenue are accounts of the sequestered estates of recusants.²

In the Augmentation Office is a roll of recusants in the time of Elizabeth, against part of whose property escheats were issued for their contumacy.²

In the State Paper Office are accounts of Roman Catholic priests and of recusants, from 1590 to 1708.²

In the Petty Bag Office are certificates of Popish convicts, and of persons concealed, from Anne to the present time.²

In the Lord Treasurer Remembrancer's Office are the accounts of assessments and other proceedings, touching Romish recusants.³

¹ Bow Lane, Cheapside. — ² Report on Public Records, 1800. — ³ Powell's Direction for Search of Records, 1622.

In the Lambeth Library are some returns of papists.¹

In the British Museum are lists of recusants in the reigns of Elizabeth and others ;² proceedings against and information concerning them ;³ names of fugitives contrary to the statute ;⁴ and grants of concealed lands.⁵

RECORDS OF JEWS.

As our Peerage and Baronetage now contain Jewish families, and as Jews may purchase and inherit land, though a contrary and erroneous opinion has much prevailed, it would perhaps be incorrect to omit some short notice of the registers and records relating to them.

They were expelled the kingdom in the year 1290, (19 Edward I.) and were not allowed to return until the time of Cromwell ; there are consequently no records of them during this long interval, nor is it probable that any early notices of them can ever be required for genealogical purposes ; such notices, however, and in no immaterial quantity, exist on the Pipe Rolls and the Claus Rolls, as also on a Patent Roll of the 19 Edward I. preserved in the Tower, entitled "*De Domibus Judeorum.*" It is said⁶ (but perhaps incorrectly⁷) that Cromwell's policy paved the way for the restoration of the Jews, and although their residence in England was not legalized, some few must have settled by connivance, as in 1663 their register of births contains twelve names, and during the whole reign of Charles II., who introduced the sale of denizations, their numbers were increased.⁶

From this time the registers of births, marriages, and deaths of the Jews have been very correctly made, and carefully preserved : the birth is entered at their ceremonial of naming on the eighth day, and all the entries are more minute than those of the Christian church.

The date of a Jewish marriage is engraven on the wedding ring.

¹ Catalogue of the Lambeth Library.—² Harleian MSS. 280, 286, 360, 412, 7042. Lansdowne MSS. 19, 23, 28, 51, 55, 58. Cottonian MSS. 526.—³ Cottonian MSS. 526. Lansdowne MSS. 153.—⁴ Harleian MSS. 6839. Lansdowne MSS. 633.—⁵ Lansdowne MSS. 153.—⁶ Rise, Fall, and Future Restoration of the Jews, 1806.—⁷ In the papers of Sir Edward Nicholas, Secretary of State to Charles I. and II. was a copy of a commission, dated 1656, from the King, offering the Jews his protection on his restoration, if they would assist him in that conjuncture, and which commission recited that the Jews had disowned the application lately made to Cromwell in their behalf by some persons of their nation, as absolutely without their consent. Tucker's Second Letter on Naturalization, 1753.

RECORDS OF LAWYERS.

The appointments of the Lord Chancellors, of the Judges of the Courts at Westminster,¹ and of the inferior Judges in Equity, are entered on the Patent and Claus Rolls, and their several names, as well as those of the antient justices of assize, and of all other judges of dissolved courts, appear on the records of the courts themselves.

Lists of the Chancellors² are in existence from the reign of William the Conqueror, and catalogues of the Judges from the reign of Henry III.

The appointments of his Majesty's Serjeants at Law and Counsel³ are enrolled in Chancery, as are also the appointments of officers of the Court of Chancery; those from the 40 Elizabeth to this day are at the Petty Bag Office, prior to which period they are on the Patent or Claus Rolls.⁴

The names, together with other particulars, of all Barristers, appear by the registers of the several Inns. There are two Inns of Serjeants, one in Fleet Street, and another in Chancery Lane; four Inns of Court, viz. the Inner Temple, the Middle Temple, Gray's Inn, and Lincoln's Inn; and eight Inns of Chancery, viz. Thavies Inn, Furnival's Inn, Bernard's Inn, New Inn, Clement's Inn, Clifford's Inn, Staple Inn, and Lyon's Inn.

The entries in the registers of these Inns generally contain the christian and surname of each member thereof, the town and county he comes from, his father's name, description, and residence, and whether such member be the eldest son: the registers commence at various periods, the society of Lincoln's Inn has them from 1423, (2 Henry VI.) but with little regularity prior to 1656, from which year they have been kept with great exactness. An accurate register of members of the society of Gray's Inn is in existence from 1521.⁵

The christian and surnames, with the date of admission of all Solicitors and Attorneys, are preserved on rolls of the respective courts. Those for

¹ Dugdale published a catalogue of the Chancellors and Chief Justices, with the dates of their appointments, and of the appointments of the Attorneys and Solicitors General: the list has been continued to 1810 in Banks' new edition. The Justices of Assize and Barons of the Exchequer appear in Madox's Exchequer.—² The Lives of all the Lord Chancellors were published in 1708, in 2 vols. 8vo.—³ Lists have been printed from 1671, in Chamberlayne's Great Britain, the Red Book, and the Modern Law List.—⁴ A Treatise, enumerating the most illustrious families of England, who had been raised to honour and wealth by the law, with the names of the Chief Justices and Barons, was published in 1 vol. 8vo. in 1686.—⁵ Harleian MSS. 1912. Many lists of Students, Civilians, and the like, are in the Lansdowne MSS. 22, 46, 47, 106, &c.

the Court of Chancery commence in 1730, and are preserved at the Petty Bag Office; those for the King's Bench commence in 1729, and are kept by the Master of the Court; those for the Common Pleas commence in 1730, and are preserved by the Clerk of the Warrants; and in their respective custodies are likewise registered all articles of clerkship from the years 1753, 1749, and 1780, whereby the name, residence, and description of the parent of the intended attorney may be ascertained: from these documents also the age of the attorney may be estimated. From the certificates annually taken out at the Stamp Office by all attorneys, solicitors, and conveyancers, the contents of which are entered at the Stamp Office, and (as to attorneys) at the King's Bench Office, may be obtained the residence of the party; and the period of his death may perhaps be ascertained from the discontinuance of the certificate.¹

CIVILIANS AND PROCTORS.²—The Advocates and Procurators belonging to the Ecclesiastical Court were formerly appointed by the Primate. The individuals of the profession did not form a distinct society till the beginning of the reign of Henry the VIII. when the Dean of the Arches, and other civilians and canonists who had been admitted to the privilege of pleading in that court, formed a plan of association, and agreed to dwell in contiguous houses and enjoy a community of board. It was denominated "The College of Doctors and Advocates of the Court of Arches," (all the advocates were not then doctors): many dignitaries of the church and laymen of distinction were permitted to insert their names in the register, and have the privilege of collegiate commons, on paying a small annual sum. In 1568 this voluntary corporation obtained Montjoy House, and other buildings in the parish of Saint Benet, Paul's Wharf, for the use of the advocates. Their courts have been thenceforth held there, and the whole then received the appellation of Doctors Commons.

In 1768, his late Majesty, by letters patent, incorporated this body under the title of "The College of Doctors of Law exercent in the Ecclesiastical and Admiralty Courts," by which it was declared amongst other things, that no person should be admitted into the society without having regularly

¹ In 1798, a Law List, with the names and residences of all the members of the profession, was published and has been continued annually.—² Wright's Proctor's Practice, 1744. List of Civilians from 1511 to 1800, London 1800. Catalogue of English Civilians, 1804.

taken the degree of Doctor of the civil law, either at Cambridge or Oxford.

In the register of the society two lists appear, one containing the names of mere Commensales and honorary members, as well as of pleaders and surrogates; the other comprehending only professed advocates. The first date which occurs in the second list is the 22d of February 1511-2; but as the formation of the society was not later than November 1511, the list is evidently imperfect. A still more correct catalogue was printed in a sheet, in 1800, and another partial catalogue was printed in 1804, and afterwards suppressed.

The records of the admissions of *proctors* are kept at Doctors Commons by the registers of the Arches of the Court of Canterbury in paper books, called Assignment books. The entries to be there found are, first, a minute of the articles of clerkship, binding the intended proctor apprentice for seven years, and as the parent or guardian must be a party to such articles, the particulars of him will also appear by the assignment books. At the expiration of his servitude, the clerk is taken into open court, and admitted a proctor, of which an entry is also made by the register; and as no more than thirty-five proctors are allowed to be "on the list of proctors," the time of death of proctors will appear by the same register book, as the admission on the list is thus entered, "A B *on the death of* C D," or to that effect. There are, however, an unlimited number of proctors, at present one hundred and three; and the privilege of being on the list, to which all succeed in rotation, is that of being permitted to take articulated clerks. Lists of the advocates and proctors from 1671 appear in the annual publication entitled Chamberlayne's State of Great Britain.

RECORDS OF SURGEONS, PHYSICIANS, AND APOTHECARIES.

The clergy were the only practisers of physic till the end of the 12th century. Richard Nigel, Bishop of London, who died in 1198, was apothecary to Henry II.

The barbers next took up the practice of surgery ; they were incorporated in 1461, (1 Edward IV.) and no one was to exercise surgery thenceforth unless approved of by the masters and governors ; but as this was not sufficient restraint against intruders, the barbers obtained an act of Parliament in the 3d Henry VIII., preventing all other persons from practising surgery within London and seven miles of the same ; but the practising surgeons of London having more skill than the barbers, separated themselves into a distinct society, (though not incorporated,) and by statute 32 Henry VIII. were incorporated by the name of “The Barbers and Surgeons of London,” and no barbers within the City of London, the suburbs, or one mile compass, were thenceforth to occupy any surgery, letting of blood, or other thing belonging to surgery, except drawing of teeth.

By letters patent of 5 Charles I. no person was to practise surgery within seven miles of London, without letters testimonial from the masters or governors of that company.

By statute 18 George II. the partnership between the barbers and surgeons was dissolved, and the surgeons were incorporated separately.¹

PHYSICIANS.—There was no restraint by law for the practice of physic till the 3d Henry VIII. when the Bishop of London, or Dean of St. Paul’s, and four doctors of physic, were to license people to practise in London or seven miles thereof.

They were incorporated 10 Henry VIII., and were to examine all persons, and authorize their practising within seven miles of London.² An university degree of doctor in medicine was necessary to enable a practitioner to practise out of London. The College, which was till lately in Warwick Lane, is in Waterloo Place, Regent Street.

APOTHECARIES.—These practitioners were first incorporated with the grocers in 1606, and separately in 1617 : though a trading company, and having many members unconnected with the profession, yet many apothecaries will be found on their records.³

The records, therefore, of surgeons, physicians, and apothecaries, must be searched for in the corporation registers of their respective companies ; and

¹ Surgeons Hall was in the Old Bailey, and is now in Lincoln’s Inn Fields. Barbers Hall is in Monkwell Street. In 1515, the practising Surgeons or Barbers of London were nineteen.—

² In 1575, the number was twenty.—³ The foregoing particulars are chiefly abstracted from Maitland’s Survey of London.

as lists have been printed of a portion of the members of these professions, from the reign of Elizabeth, it is probable the records of the companies may exist, and supply them from their respective foundations.¹

Of late years all apothecaries and surgeons have been obliged to file certificates of their baptism at the college and hall of those companies, preparatory to receiving their diplomas.²

RECORDS OF SOLDIERS.

The official documents at the War Office, London, are not of earlier date than the year 1700, but there are very antient lists of English soldiers, scattered through the public libraries and archives of the country.

The earliest extant list of soldiers is to be gathered from Domesday Book, and as this work has been of late years indexed, it affords an excellent catalogue of Norman warriors.³ The whole number of tenants in capite (churchmen, the king's servants, and a few others excepted) amounted to 420.⁴ A roll of the gentry and warriors who came over with the Conqueror, was antiently hung up in Battle Abbey, Sussex, and thence called the Battle Abbey Roll,⁵ but no true copy of it is in existence.⁶ Several lists or catalogues purporting to be copies, though unworthy of credit, are to be found in the chronicles of Brompton, Stowe, Holinshead, in Fox's Acts and Monuments, and Fuller's Church History, containing respectively no less variation than 151, 225, 249, 380, 407, and 629 names.

From the reign of Henry III. we are supplied with a quantity of muster rolls, or books, of very considerable interest, though with very great deficiencies. In obedience to the king's writ, directed to certain commissioners of importance in each county, an array was made of all the "gentry," and ultimately of all "men" who had used or were able to use arms, and were of able body, between the ages of sixteen and sixty years; and a return

Chamberlayne published annual lists of them from 1671, in his *Angliæ Notitia*. The Red Books have the names to the present year.—² In the Lambeth Library are returns of the Physicians for the dioceses of St. Asaph, Exeter, St. David's, Norwich, and Bristol, for the year 1666: vide printed Catalogue, 639. In the British Museum are the arms of the members of the College of Physicians for 1666, see Ayscough's Catalogue, 1445.—³ Ante, page 1 to 7.—⁴ Kelham's *Domesday illustrated*, London 1788, p. 16.—⁵ Ante, pages 10 and 11.—

⁶ Fuller in his *Church History* mentions the want of a true copy at that period (1655).

or inquisition was made to the king. These inquisitions were not inrolled, and it is by accident they have been preserved; they can only be discovered by a perusal of the catalogues of the various public libraries. Many (originals or transcripts) are in Roger Dodsworth's collection at Oxford; others from the reign of Henry III. down to and including the reign of the Stuarts are in the British Museum; and those for the reign of Henry VIII. are preserved in the Chapter House at Westminster, being the original returns with the king's writs annexed: in these will be found the christian and surname and rank of each individual, his armour, sometimes his age, the value of his lands, his wages, the time of his service, his dwelling, and occasionally other particulars: they have been considered¹ as answering, though imperfectly, the purpose of a census.

In addition to the muster books, the Earl Marshal, the Heralds and other officers were accustomed to compile rolls of the men at arms, for various purposes connected with their respective offices, and some of these rolls have been likewise by accident preserved, and are to be found in the public libraries of the kingdom: one of the most antient of this description was printed by Mr. Edward Rowe Mores, in 1749, and entitled "*Nomina et Insignia Gentilitia Nobilium Equitumque sub Edvardo primo rege militantium*;" it contains the names and coat armour of about 1100 warriors; another copy with variations was published in the *Antiquarian Repertory*. Two smaller rolls entitled the rolls of the Siege of Carlaverock, and of Calais, in the years 1300 and 1347, have been much esteemed by antiquaries, as describing in like manner the coat armour of the warriors, each roll containing about one hundred names.²

One of the most interesting rolls of warriors in existence, is a muster roll of King Henry the Fifth's army, often called the Roll of Agincourt,³ but made, as is presumed from internal evidence, for it has no date, in 1416; it contains the christian and surnames of about 7500 soldiers, ranged under the heads of their several leaders, with the titles of honour of those possessing such, and description of each individual, as lancer, archer, man at arms, valett, cross bowman, horse archer.

¹ Southey's *Book of the Church*, c. 13.—² Mr. Edward Rowe Mores printed the Roll of Calais, with the above roll of King Edward in 1749. Mr. Dallaway, in his work on *Heraldry*, has partially printed the Roll of Carlaverock, and a copy embellished with engravings has lately been advertised for publication.—³ Preserved at the Chapter House, Westminster; it is about 109 feet long.

There is no particular form in which the returns or inquisitions commonly called muster-rolls were kept, and they contain more or less particulars as circumstances or accidents dictated. The following return¹ is of the 16 Edward I. (1287.)

Enqueste prise devaunt Mons' Robt Malet et Ingram Beringer Viscount du Counte de Buckingham et Aylesbury p commission n're seign' le Roy de soun graunt seal asselee assignez arraiier toutz lez gents d'armes q' ont use les armes et sont de pou'ir de corps a travailler entre les ages de sesze et seissaunte auns du le dit Counte auxibien de dentz fraunchises come dehors, dount la date de cete commission est donez a Everwyk le xxxj jour d'Octobr' l'an du reigne n're Seign' le Roy sezisme par sermentz Johan de Reynham (*and sixty-four others therein named*) gentz des d't county s'mentz q' dient p lour s'mentz q'

- | | | |
|------------|---|--|
| Barons. | { | G. Mons ^r Johan de Grey est baron n're Seign ^r le Roy et ad use les armes et passe le age de seissaunt aunz. |
| | | H. Mons ^r Johan de Han ^d lo est baron n're Seign ^r le Roy et est passe l'age. |
| | | M. Mons ^r Rob ^t de Monhaut est baron n're S'n ^r le Roy et est home d'armes suffissant. |
| | | B. Mons ^r Rauf Basset est barron &c. et est home d'armes suffissant. |
| | | E. Mons ^r Rob ^t de Erpingham ad use les armes et est ho'e &c. et est ove n're Seign ^r le Roy. |
| | | D. M's ^r Richard Dammory ad use les armes et est ho'e &c. et est ove n're Seign ^r le Roy. |
| | | H. M's ^r John de Hausted ad use &c. et est &c. ad n're Seign ^r le Roy. |
| | | B. M's ^r Oliver de Burdeux ad use &c. et est ho'e &c. et est ove n're Seign ^r le Roy. |
| | | C. M's ^r Geoffrey de Cornwayle ad use &c. et est ho'e d'armes suff' et est ove n're Seign ^r le Roy et en la compaigne Madame la Reine. |
| Chivalers. | { | H. M'r Tho' de Huntcomb est ho'e d'armes mes il ne les ad point use et ad vint marks de terr' en la County de Buck. |
| | | B. M's ^r Miles de Beauchamp est ho'e &c. et est de la retendaunce Sire Johan de Beauchamp. |
| | | S. M's ^r Tho' de Sakevill est ho'e d'armes &c. et est de la retend le Count de Pemb.' |
| | | S. M's ^r John Syferwast est ho'e &c. et est de la retend' Sire Jofie de Segrave. |
| | | G. M's ^r Henry de Graye est ho'e d'armes suffisaunt. |

¹ Harleian MSS. 1192.

Chivalers { O. M's'r Johan de Olney est ho'e d'armes suffisant.
 { D. M's'r Phillip de Dillesbury est ho'e d'armes &c. et est un des chife
 { Taxo^{rs} et Collecto^{rs} du disme et sisme don' a n're Seign' le Roy
 { graunt en la Count' de Bedeford.

And after setting out the names of seventeen more Knights, and of thirty-eight Esquires, the return concludes in these words :

Et les avauntditz gentz jures dient p lour s'mentz q' ne sount plusours gentz d'armes en le dit Counte ne q'ount use les armes p qui purrount enquerire.

The following specimen is transcribed¹ from a muster-roll of the 30 Henry VIII. 1528.

To the Kynge o' So'vaigne Lorde.

Certifen yō Highnes and yo' most honorable Councell yo' faithfull and obedient subjects, SS Edwarde Crofte, James Baskervyle, (*and many others*) that imediately apou the receipte of yo' high comisson hereunto annexed, to usse amongs others in the same commission also named for the msterynge and putting in a redynes w^t abilaments of warre of all and singler yo' subjects comorant and abydyng wⁱⁿ yo' countie of Heref. That we the seid comissoñs assembled oure selves to gethers at the cite of Heref. where we then sepated and aloted oure selves by two at the lest to the se'vall hundredts of the seid shyre as before is expressed, for the true and effectual executon of the same yo high comson, and have moustered all and singler yo subjects there accordingly, and by this p'sent boke of oure certificat certifie yo majestie and yo seid honorable councell, as well the nombre of able men for the warres there, as well archers as bilmen, as the certente of all abilaments of warre, and for the triall of archers from bilmen, we have wreten in the mergent of this o' boke on the hedde of ev'y archer this letter A, and on the hedde of ev'y bilman this letter B ; and also aft the surname of ev'y of them have declared the abilament of warre which ev'y of yo seid subjects have. And such yo subjects as be not able ps'ons for the warres, and havynge abilaments of warre, we have marked with this letter N. And other yo pore subjects of the seid shire, not mete for the warre, and being of no abilitie to have abilyments of warre, we have clerely omytted out of this booke, referryng them to pray to Almighty Godde for yo most roiall astate long tyme prosperously and joyously tendure.

¹ From the original at the Chapter-house, Westminster.

Hundred de Radlow,
Ledbury Borow.

- N. Master Richarde Monyngton, horse and harnes for hymselfe, and harnes for one man.
- A. Master Elton, horse and harnes for hymself.
- B. Thomas Whitewoode, a salet and a gleiff.
- B. Thomas Lorymer, a salet, a glaiff, and a gorget.
- B. William Meke, a jacke, a salet, a glaiff, and a gorget.
- A. John Benees, harnes for hymself.
- B. Lewes Nashe, a langebeff, a sword, and a dagger.
- . . Richard Tailor, a salet, a gleiff, and a dagger.
- B. Thomas Good, a glaif and a dagger.
- B. Hugh Ashe, a glaif, a salet, and a dagger.
- B. Edward Baret, a glaiff, a dagger.
- B. John Smyth, a glayff and a salet.
- B. John Holder.
- A. Edmund Baknyll, bowe and harowes.
- B. Thomas Honde.
- B. Richard Geram, a gleif and a dagger.
- B. Master Doctor Haryngton, harnes for hymself.
- B. Harry Marche, a glaiff and dagger.
- B. John Morgan, a gleiffe and dagger.
- B. John Lorymer, a glaiff, swerde, and dagger.
- . . Grefyth Tailor, a glayff and dagger.

The following names are selected, and do not follow in sequence in the original return.

- A. Richard Carpynt, a bow and twelve arrowes.
- B. Richard Jenkyns, a pollax.
- A. Thomas Tailor, a bow and a sheff of arrowes.
- B. Petur Laurence, gent. harnes for hymself.
- . . Mastres Heywarde, of the Priors Courte, harnes for a ward.
- B. John Skynn^r, a salet, a peire of splynt, glaif and a dagger.
- . . Thomas Wicks, horse and harnes, and a spere for on ward.
- . . Richard Maveld, a batellax.
- B. John Wilton, horse and harnes for himself.
- A. John Waters, a jacke, salet, a peire of splyntz, and a glaif.

The seid towneshipp have incomyn xx peire of harnes.

- A. Edward Wallewyn, Gent. for to harnes himself.
- B. Joseph Lovell, a cote of maile and a gleif.
- B. Roger Tompkyns, a halberde and a swerde.
- . . John Lyngeyn, Esquier, horse and harnes for hymself, and harnes for eight men.
- A. Raffe Chabno, Gent. an horse, a bow and a sheff of arrowes.

- B. Robert Tompkyns, a gleif and a apron of maile.
- . . David Nicoll, a sheff of arrowes and a case.
- B. John Chamblen, a peire of begarne irons, and a salet, sword, and a dagger.
- N. John Bullock, appointed to were John Jamitey is harnes.
- A. Thomas Smyth, a peire of almein revetts.
- N. Thomas Frygham, a moris pyke.
- A. Thomas Hughes, }
 Thomas Hughes, Jun. } a case and hedes for a shef of arrowes.
- N. Hewe Jones, a staffe and a salet.
- N. John Edwards, a gleve, and a peire of brigharnes, and a salett and splyntz.
- N. Thomas Benvoyde, a gleve, a salett, and a quylte cote.
- Sir Edward Croft, Knight, xl peire of harnes.
- Thomas Monyngton, Equyer, vj peire of hernes.
- B. John Marshe, a bille.

In the office of the Clerk of the Pells, are the indentures of such persons as have contracted to serve the Kings of England in their wars; an alphabetical catalogue of the names of all those contracting from the time of Edward III. to the end of the reign of Henry VII. is in the British Museum.¹

OF THE RECORDS PRESERVED IN HIS MAJESTY'S OFFICE OF THE SECRETARY AT WAR.—It is the duty of the adjutant of each regiment to prepare a monthly list, containing the names of every man in his regiment (whether officer, non-commissioned officer, private, drummer, or trumpeter) in alphabetical order, by troops or companies, which lists are called muster-rolls, or adjutant's rolls; and a copy of this monthly list is duly transmitted to the Secretary at War. The original, or another copy is understood to be kept at regimental head-quarters. In this return, it is the duty of the adjutant to notice all casualties which have occurred since his last return, which is done by an entry against the party's name thus, "died 15 Jan." or thus, "killed in action 15 Jan." or thus, "died in hospital 15 Jan."; and there are very few instances where *the date* of the casualty does not appear. The rank of the deceased is always noticed; sometimes (though not generally) his age may be traced from the record of enlistment; and it can always be ascertained whether he died in debt or credit. These muster-

¹ Lansdowne MSS. 804.

rolls are now in paper books ; formerly they were occasionally on parchment. When made up by troops or companies, they are usually signed by the officers present ; when made up alphabetically for the whole corps, by the commanding officer and adjutant.

Connected with these documents is a similar one called the Pay List ; being an account made out by the paymaster of the pay and allowances of the regiment ; this list is periodically returned to the Secretary at War, and from December 1797 the regimental pay lists may be considered as duplicate authority, they being deemed to have the full credit and authority of muster-rolls.

The earliest returns in the War Office are dated 1700, about which period the corrected *manuscript* army lists were formed, which gave the promotions and deaths of commissioned officers, but did not then shew, and have not since shewn, any reference to non-commissioned officers, drummers, trumpeters, or privates.

In the year 1754, the first *printed* army list appeared ; but there were partial lists of the army published in Chamberlayne's State of Great Britain, as early as 1708.

There are no muster-rolls in the War Office of an earlier date than 1760 : if any exist, they will possibly be with the head-quarters of the regiment, or with the regimental agent, to whom application may be made, though with little prospect of success.

The first publication in the London Gazette of promotions, &c. of officers in the army, was on the 13 of January in the year 1767.¹

In 1785, His Majesty, by circular, directed the muster-rolls to be taken half-yearly, not by troops or companies, but regimentally, on one sheet of large paper, showing officers and privates.

The muster-rolls for *Militia* commenced with the revolutionary war in 1792.

By the instructions to paymasters of regulars, fencibles, and militia, dated January 1798, the paymaster, whose office includes that of muster-master, is to transmit to the War Office monthly regimental pay lists, (altered to

¹ This date has been retained, because it was supplied, together with most of the information in the latter part of this chapter, after considerable investigation, from his Majesty's War Office ; but it certainly appears on reference to the gazettes, that for a great many years earlier they contained some army promotions.

quarterly pay lists in 1806,) shewing the dates to which officers and men who die shall have been paid by him, and the adjutant is at the same time to make out *monthly* rolls, to be made up by troops or companies, which rolls are to be compared with the regimental pay lists, and to be certified by the commanding officer : these regimental lists are deemed to have the full credit and authority of muster-rolls, and to be entire and incontrovertible vouchers.

The War Office circular, dated 23 December 1800, addressed to commanding officers, enjoins, for the "better answering enquiries relative to the existence or non-existence of soldiers," that where there are two or more men of the same name, each man's trade and place of birth are to be inserted opposite to his name in the monthly rolls.

By the circular to officers commanding regiments in the East Indies, dated April 1803, the King's pleasure was signified, that "adjutant's rolls, with duplicates, should be sent from his Majesty's troops serving in the East Indies, monthly to the War Office, according to the printed form furnished" to them.

This circular was intended to supersede the half-yearly rolls theretofore sent (but not in all cases very regularly) from India to England, and to the amended documents punctually transmitted.

Up to December 1809, the muster-rolls of regiments serving in Ireland are kept in that country ; and enquiries relative to them should be made to the chief or under-secretary of the Lord Lieutenant, Dublin Castle. From that period they have been transmitted monthly to the War Office, London.

In addition to these regulations, the adjutant-general, by order of his Royal Highness the commander-in-chief, did on the 1st July 1816, "with a view of ascertaining the marriages of soldiers, and the age and baptism of their legitimate children," issue a general order, requiring that a book of registry should be kept in every regiment and battalion, in which "the marriage of every non-commissioned officer and private, and the baptism and age of every legitimate child born of parents belonging to such regiment or battalion, shall be recorded, and the said registry shall be certified by the signature of the adjutant."

And after directions respecting the attention to local and other laws necessary to be observed by parties marrying, whether in England or abroad, his Royal Highness's order thus concludes :

“ The regimental register of marriages is to contain the following particulars, viz.

1. The rank, christian, and surname of the soldier, specifying whether bachelor or widower.

2. The christian and surname of the woman, specifying whether spinster or widow.

3. The place of marriage, specifying parish, county, &c. &c.

4. The date of marriage.

5. The signatures of the parties married.

6. The signatures of two witnesses present at the ceremony.

7. The signature of the chaplain or officiating clergymen by whom the marriage was solemnized.

8. The certificate of the adjutant that the registry is correct.

“ In all cases of baptism of the children of non-commissioned officers and soldiers, the parties are commanded to bring without delay to the adjutants of their respective corps, for the purpose of being registered, an account, containing

1. The date of the child's birth.

2. The place and date of its baptism.

3. The christian name of the child.

4. The christian and surnames of the parents.

5. The rank of the father.

6. The name of the chaplain or other clergyman by whom the ceremony was performed.”

His Royal Highness also recommended officers to avail themselves of the regimental register while on foreign service, stating, that there were circumstances in which no regular or “ permanent record of such marriage or baptism could otherwise be found.”

“ In many cases, civil as well as military, the regimental register may prove the only record in existence ; instances have occurred, in which property to a large amount has descended to the children of private soldiers, and of which they have been unable to obtain possession, from the want of satisfactory evidence of their parents' marriage, which the regimental register is calculated to afford.”

It may be observed, that this is entirely a regimental document, and the commanding officer (not the Secretary at War) should be addressed for any

extracts therefrom. The arrangement is so excellent, and the information in the books so valuable, that it is to be hoped they will at stated periods be transmitted to the War Office for more safe custody, and more easy reference.

In conclusion, the modern muster-rolls have been generally received with regularity, but of course some exceptions will be found ; a great number of the officers and adjutants who have had to furnish them, having so done from the remotest quarters of the globe, subject to shipwreck, capture by the enemy, &c. &c.

Army lists give the services and deaths of *commissioned officers* only ; *muster-rolls* and *pay lists* give that information, and also all further particulars regarding warrant officers, non-commissioned officers, drummers, trumpeters, and privates.

The muster-rolls of the royal regiment of Artillery are sent to the paymasters of the corps, (Messrs. Greenwood and Co.) who transmit them to the surveyor general of the Ordnance, Tower, with whom they are deposited. A monthly muster-roll is sent to the head-quarters, Woolwich, and the others are disposed of as above. The same remarks apply to the Engineers.

In the British Museum is a large and thick folio volume, being an earlier list of the officers of the army than any in the War Office ; it belonged to King James II. and is dated November 1687. It has the names of the commanders of the regiments, the brigadiers, captains, cornets, guydons, ensigns, quarter-masters, chaplains, chirurgeons, marshalls, and adjutants. The same volume has been used to continue the list of the army in the reign of William and Mary ; and some army lists of this latter reign are also in the Bodleian Library, Oxford.

The clerk of the peace for each county has inrolments of the militia officers, entered on rolls, called the Qualification rolls.

RECORDS OF SAILORS.

A list of the sailors in the royal navy, as well officers as otherwise, is made out at the ticket office of the Navy office, containing the ages of all the men (not officers) as stated by themselves at the time of their entering the service,

and their birth-place: and there are regular returns to the Navy office of the time and place of death of all sailors, both officers and men.¹

Although the ages of commissioned officers do not appear by the Navy records, yet as the times of their entrance into the navy, and the dates of their commissions, are registered, their times of birth may be ascertained without great inaccuracy.

In the Pepysian Library is a register of every sea commissioned officer from 1660 to 1688: and in the Harleian MSS.² are lists of officers in the navy, from 1660 to about 1700.³ In the Bodleian Library are also some navy lists of the end of the 17th century, and naval accounts commencing in 1561.

Steele's printed Navy List was first published in 1772, and was succeeded in 1814 by the Navy List in its present form.

RECORDS OF THE EAST INDIA COMPANY'S SERVANTS.

The registers of baptisms, marriages, and burials, solemnized in the territories belonging to the East India Company, according to the forms of the English established church, are transmitted in duplicates from our several East India settlements to the East India House in London, where they are preserved in the secretary's office.

Each part of the registers so transmitted may be considered as an original document, since each is signed by the clergyman transmitting them. These documents are of paper, bound in volumes, and commence about 1709.

The East India Company are also in possession of muster rolls and army lists of their armies, from which the same information may be obtained as from the documents at the War Office; and most persons proceeding to India in the service of the Company, are obliged to prove their ages by certificates of baptism, which are preserved at the East India House.

East India Registers, containing much of the information supplied by the above documents, have been published annually from 1795.

¹ The Commissioned Officers were 1000 in 1749, and about 10,000 in 1820. — ² Harleian MSS. 366. 6003. 6843, 6277, 6760, 7472, 7504, 7464; and Cottonian MSS. 374. — ³ I have not been able to ascertain the date of the earliest Navy Lists at the Navy Office, but it is presumed to be about 1700.

INSTANCES OF GENEALOGICAL UTILITY.

In the claim of the Rev. Edward Timewell Brydges, Clerk, to the Barony of Chandos in 1791, there was produced in evidence before a Committee of the House of Lords, in support of the petitioner's claim, the original *admission book of the society of Gray's Inn*, with the following entry, "*Joh'es Bridges filius natu maximus Joh is Bridges de civitate Cant' Gen' admissus est in societatem hujus hospitii, sexto die Maii anno D'ni 1699.*"

"W. Dixon, *Thesaur.*"¹

In the Roscommon Peerage case in 1825, there was produced before a Committee of the House of Lords, a copy of *the pay list of the county of Dublin militia*, received from the Military Pay Office, Dublin, to prove the death of Michael Dillon, the father of the claimant, at the battle of Ross, in 1798.²

In the Gardner Peerage case there was produced before the Committee of Privileges of the House of Lords in 1825, by a clerk in the Secretary's Office in the East India House, London, *the register of marriages at Fort St. George*, to prove the marriage of Captain Gardner with Miss A. Odderley, and the same was received as evidence;³ and in the Molesworth Peerage case, a clerk in the Secretary's Office likewise produced *two volumes of burials* of persons in the East India Company's Service at Bombay in 1753 and 1793, transmitted from Bombay, and containing entries of the burials of John Molesworth, writer, and of Ensign Richard Molesworth, and which deaths were admitted by the House of Lords to have been thereby proved.⁴

In the Molesworth Peerage case there was produced and received as evidence before the Committee of Privileges of the House of Lords in 1821, *a document from the Navy Office*, transmitted there by his Majesty's agent of transports, stating the loss of a transport, with the names of the passengers on board, among whom was Viscount Molesworth, whose death was required to be proved.⁵

¹ Printed Minutes of Evidence, 1791.—² Printed Minutes of Evidence, 1825, p. 23.—

³ Printed Minutes, p. 97.—⁴ Printed Minutes of Evidence, p. 21, 24.—⁵ Printed Minutes of Evidence, p. 34.

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THE END.

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